

CITY OF UNALASKA
UNALASKA, ALASKA

ORDINANCE 2023-09

AN ORDINANCE OF THE UNALASKA CITY COUNCIL AMENDING UNALASKA CODE OF ORDINANCES, TITLE 3 PERSONNEL, CHAPTER 3.52.010 PERSONAL LEAVE ACCRUAL PLAN

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF UNALASKA, as follows:

Section 1: Classification. This Ordinance is a Code Ordinance.

Section 2: Amendment of Section 3.52.010 Personal Leave Accrual Plan. Section 3.52.010 of the Unalaska Code of Ordinances is hereby amended to read as follows: [New language is underlined; and deleted language is ~~overstruck~~.]

§ 3.52.010 PERSONAL LEAVE ACCRUAL PLAN.

(A) All regular full-time employees who are eligible to accrue leave, shall accrue personal leave at the rate of:

(1) First and second years of service beginning on the date of hire and ending on the date before the second anniversary date, 16 hours per month.

(2) Third and fourth years of service beginning on the third anniversary date and ending on the day before the fourth anniversary date, 20 hours per month.

(3) Fifth and sixth years of service beginning on the fourth anniversary date and ending on the date before the sixth anniversary date, 24 hours per month.

(4) Seventh and eighth years of service beginning on the sixth anniversary date and ending on the date before the eighth anniversary date, 28 hours per month.

(5) Ninth year of service and beyond beginning on the eighth anniversary date and ending on the date of separation from city service, 32 hours per month.

(B) All regular full-time employees who had prior terms of regular full-time employment with the city shall receive credit for prior service when calculating their personal leave accrual rate. Credit will be granted in whole months with each prior term of full-time employment rounded down to the nearest number of whole months. Months of prior employment in which the employee was on unpaid leave for the entire month will not be credited.

(CB) Accrued unused personal leave shall not exceed 768 hours. Once any employee has accrued 768 hours of unused personal leave, the employee shall stop accruing personal leave until the employee's accrued unused personal leave is less than 768 hours.

Section 3: Effective Date. This ordinance is effective upon adoption.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on September 26, 2023.

Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:

Estkarlen P. Magdaong
City Clerk

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Marjie Veeder, Assistant City Manager
Through: William Homka, Acting City Manager
Date: September 12, 2023
Re: Ordinance 2023-09: Amending Unalaska Code of Ordinances, Title 3 Personnel, Chapter 3.52.010 Personal Leave Accrual Plan

SUMMARY: The City Manager sought to be able to negotiate leave with incoming executive employees in order to attract very experienced candidates. Code presently limits leave accrual (they start at the bottom tier) and use of leave for new employees, including executives. Council was not in favor of this change, but was generally amenable to allowing returning former employees to receive credit for prior terms of service with the city as it relates to leave accrual rates. Ordinance 2023-09 makes this change to code and staff recommends approval.

PREVIOUS COUNCIL ACTION: No previous council action related specifically to Ordinance 2023-09. The background section of this memo contains previous council action which brought us to proposed Ordinance 2023-09.

BACKGROUND: While recruiting potential executive employees, three candidates inquired about additional leave time. In an effort to attract experienced executives to work for the city, on July 25, 2023, the City Manager introduced proposed Ordinance 2023-08, which would have given the City Manager latitude to negotiate the amount of leave with incoming executive employees.

While voicing little to no support for the proposed change, Council voted to schedule the ordinance for public hearing and second reading on August 8, 2023. Council expressed concerns about how the change in leave policy for directors might affect the morale of existing employees, directors and otherwise, stating it was unfair to current employees who earn personal leave under the current plan. Ultimately, Ordinance 2023-08 was not adopted, but an alternative was suggested.

Because the three director candidates mentioned above were all former City employees with service ranging between 3 and 22 years, the suggested alternative was to amend code to allow returning former employees to receive credit for prior service as it relates to accrual of personal leave. Ordinance 2023-09 makes this change to code.

DISCUSSION: The proposed ordinance adds a paragraph to UCO 3.52.010, Personal Leave Accrual Plan:

All regular full-time employees who had prior terms of regular full-time employment with the city shall receive credit for prior service when calculating their personal leave accrual rate. Credit will be granted in whole months with each prior term of full-time employment rounded down to the nearest number of whole months. Months of prior employment in which the employee was on unpaid leave for the entire month will not be credited.

This ordinance change will apply to all employees, both represented and non-represented and both executives and non-executives.

The ordinance takes effect upon adoption. Therefore, this change will apply only after the effective date. Past leave accrual rates will not change. Moving forward, any current, employee, or newly hired employee, who had prior terms of service with the city will receive credit for prior service when calculating the personal leave accrual rate.

Preliminary research indicates there are three current employees who will be affected by this change. This of course will be confirmed if the ordinance is adopted. Providing credit for prior service will move these employees to higher leave accrual rates.

There are other current employees who had prior terms of service with the city who are already at the top tier of leave accrual, so this change will not affect them.

Finally, there are three recently hired executive employees who have not yet started work. This ordinance change will move them each to higher leave accrual rates.

ALTERNATIVES: Prior terms of regular part-time service are not included in this ordinance change. The purpose, as discussed on July 25 and August 8, 2023, was to be able to recruit former employees with specific experience to act as department directors and in other management roles. Most people qualified for such positions will have necessarily held full time employment, usually in a supervisory role. Most are coming from or contemplating full time roles in other communities. If council wants to include prior terms of regular part-time service, such direction should be supplied to the City Manager and we will work with the city attorney to craft such language. Regular part-time employees accrue leave at half the rate of regular full-time employees. If council wants to credit prior part-time service, will the prior service be credited at half the rate?

As always, Council may adopt, amend or reject a proposed ordinance.

FINANCIAL IMPLICATIONS: If personal leave is cashed in, there is a financial impact to the city. Additional leave also has a financial impact if, while an employee is on leave, other employees are appointed to acting status, which increases their wage by 10% during the period of acting in a higher position.

LEGAL: This ordinance was developed in consultation with the city attorney.

STAFF RECOMMENDATION: Staff recommends adoption.

PROPOSED MOTION: First Reading: I move to introduce Ordinance 2023-09 and schedule it for public hearing and second reading on September 26, 2023. Second Reading: I move to adopt Ordinance 2023-09.

CITY MANAGER COMMENTS: I support the Staff Recommendation.