

ASSEMBLY HUMAN RESOURCES COMMITTEE THE CITY AND BOROUGH OF JUNEAU, ALASKA

December 19, 2016 6:00 PM
Chambers

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

- A. November 28, 2016 Regular HRC Meeting Minutes
- B. December 8, 2016 Special HRC Meeting Minutes

IV. PUBLIC PARTICIPATION

(Not to exceed a total of 10 minutes nor more than 2 minutes for any individual).

V. AGENDA TOPICS

A. Board Matters

1. Bartlett Regional Hospital - Personnel Rules

The enclosed BRH Personnel Rules and Summary of Changes to the Rules are before the HRC for consideration and review prior to it going to the Assembly for adoption via resolution. The BRH Board reviewed and approved these Personnel Rules at its September 27, 2016 meeting. Human Resources/Risk Management Director Dallas Hargrave will be attending the HRC meeting to provide additional information and answer any questions the committee may have.

2. Douglas Advisory Board - Annual Report and Appointments

The Douglas Advisory Board Annual Report for 2016 is in your packets. Members from the board have indicated they will be in attendance at the meeting to answer questions and provide any additional information requested.

There are three seats on the Douglas Advisory Board up for term expiration as of September 30, 2016. Incumbents John Delgado, MaryKay Pusich, and Adam Garner have all agreed to serve past their term expirations dates and have submitted applications for reappointment. Your packet contains applications from other individuals also interested in serving. The appointments to these three seats would be for terms beginning immediately and expiring September 30, 2019.

3. Local Emergency Planning Committee - Seat Assignment Correction

There was a mistake in the nomination/seal assignments at the November 28 meeting and your packet contains a memo with the corrected seat assignments.

B. Liquor Licenses

1. Liquor License #4405 - Tides Complex, Inc. dba Dragon Inn Chinese Cuisine Inc.

The Finance Department is recommending the Assembly file a mid-cycle protest of the Tides Complex, Inc. dba Dragon Inn Chinese Cuisine Inc. Liquor License #440 in accordance with AS 04.11.480 which states the following:

“The local governing body may protest the continued operation of a license during the second year of the biennial license period by sending the board and the licensee a protest and the reasons for the protest by January 31 of the second year of the license. The procedures for action on a protest of continued operation of a license are the same as the procedures for action on a protest of a renewal application....”

The protest is based on the continued delinquency on the Confession of Judgment (COJ) which is in default for the second time with a total of 7 missed monthly payments as of November 30, 2016 resulting in a total of \$10,000 in back payments due to bring the COJ current again. In addition to the defaulted COJ payments, there is a total of \$141.12 in outstanding sales taxes, penalties, and interest also owing to pay their sales tax account current through December 2016. Complete details of these issues are outlined in the December 8, 2016 certified letter sent to the business in advance of this meeting.

CBJ Code 20.25.025 provides the business the right to an informal hearing before the Assembly if they choose to do so. The final regular Assembly meeting at which a mid-cycle protest may be acted upon is January 23, 2017.

This matter is before the HRC for recommendation prior to final action by the Assembly at the regular Assembly meeting immediately following this HRC meeting.

C. Other Business

1. Scheduling of Upcoming HRC Meetings

VI. STAFF REPORTS

VII. COMMITTEE MEMBER COMMENTS AND QUESTIONS

VIII. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org

ASSEMBLY HUMAN RESOURCES COMMITTEE THE CITY AND BOROUGH OF JUNEAU, ALASKA MINUTES

November 28, 2016 5:30 PM

Assembly Chambers

Please note this meeting will begin at 5:30 p.m. rather than the usual 6 p.m.

I. ROLL CALL

Chairman Loren Jones called the meeting to order at 5:30 p.m.

Members Present: Norton Gregory, Loren Jones, Beth Weldon, Debbie White.

Members Absent: None.

Other Assemblymembers present: Mary Becker, Jerry Nankervis

Staff Present: Beth McEwen, Deputy Clerk; Laurie Sica, Municipal Clerk; Scott Ciambor, Chief Housing Officer

II. APPROVAL OF AGENDA

Mr. Jones noted that the Douglas Advisory Board annual report and appointments were originally scheduled for this November 28 agenda but were removed from the agenda at the last minute when the board noted they were not ready to present its report. While the agenda item had been removed, the packet still contained applications for the Douglas Advisory Board (DAB). He asked members if they wanted to take up the appointments to the board during this meeting or wait until the next meeting when the DAB annual report would be before the HRC.

HRC members were in unanimous consent of postponing action on the Douglas Advisory Board appointments to the December 19, 2016 HRC meeting.

There being no changes to the November 28, 2016, the agenda was approved as presented.

III. APPROVAL OF MINUTES

A. November 7, 2016 Human Resources Committee Meeting

MOTION by Ms. White to approve the minutes of the November 7, 2016 Assembly Human Resources Committee meeting. Hearing no objection, the minutes were approved as presented.

IV. PUBLIC PARTICIPATION

None.

(Not to exceed a total of 10 minutes nor more than 2 minutes for any individual).

V. AGENDA TOPICS

A. Board Matters

1. Building Code Advisory Committee - Annual Report and Appointments

Mr. Jones noted that the packet contained the annual report of the Building Code Advisory Committee. No one was present from the committee and he asked if HRC members had any questions to be relayed to the committee. Hearing none, he extended his thanks for the work of the committee and providing the annual report.

Mr. Jones stated that there was one seat on the Building Code Advisory Committee currently held by 20-year incumbent Patrick Gorman that was up for appointment and Mr. Gorman was the only applicant.

MOTION by Ms. White to recommend the Assembly reappoint Patrick Gorman to the Building Code Advisory Committee to a term expiring November 30, 2019. Hearing no objection, the motion carried.

2. Juneau Affordable Housing Commission - Appointment

Mr. Jones noted that there was one open seat on the Juneau Affordable Housing Commission made vacant by the election of Norton Gregory to the Assembly. He explained that the term expires January 31, 2017 and the HRC can recommend appointment to just the remainder of the current term or appoint to the remainder of the current term plus the subsequent full 3-year term.

Mr. Gregory declared that he would need to recuse himself from this discussion as he has a conflict of interest since one of the applicants, Ashley Davis, works under his supervision at the Tlingit Haida Regional Housing Authority. Chairman Jones excused Mr. Gregory from participating in this agenda topic.

MOTION by Ms. Weldon to recommend the Assembly appoint Frank Bergstrom to the Juneau Affordable Housing Commission to a term expiring January 31, 2020.

Mr. Jones objected to the motion. In speaking to the reasons for his objection, Mr. Jones stated that they have tried to make appointments to this commission from a cross section of the community and have appointed a person from the university who has been involved in affordable housing for many years, they have a member who represents AWARE, another who represents Tlingit-Haida Housing, and individuals representing builders, developers, agency representatives of groups who work with housing issues and others. He said Mr. Bergstrom's background was in mining and Mr. Jones did not see much in his application that related to housing. Mr. Jones said there were three other

candidates who applied that were more closely related to housing and that was the reason for his objection.

A roll call vote was taken:

Ayes: Weldon, White

Nay: Jones

Motion carried 2:1

3. Local Emergency Planning Committee - Nominations and Annual Report

LEPC Chair Dan Garcia gave an overview of the annual report.

2016 was a very busy year and they have 22 very active members serving either as primary or alternate members on the LEPC. These members have participated in and helped sponsor a variety of events to bring awareness to emergency situations both in the community and on a statewide level. Some of the highlights included helping sponsor the earthquake simulation event at which over 1,000 people participated. Working with SAIL, Juneau Elderly Housing and Care Facilities, they have focused on addressing emergency response needs for the vulnerable populations in Juneau. They have promoted A.L.I.C.E. training in conjunction with JPD.

HRC members discussed with Mr. Garcia some of the unique transportation issues that Juneau faces during emergencies and gave the example of the fish spill on Egan drive during the summer time. Mr. Garcia said they are working with JPD to identify areas of concern with respect to transportation and working with them to identify mitigation solutions.

The HRC members thanked Mr. Garcia for the report and asked him to thank the members of the committee for all their work.

Mr. Jones noted that the packet contained a memo along with applications identifying which applicants were applying for which open seats on the commission. There was only one applicant for each of the seats.

Mr. Gregory disclosed that he spoke with the Law Department to determine if he had any potential conflict of interest since he serves on the SAIL Board of Directors. He was told that he did not have a conflict and could participate in consideration of these appointments.

MOTION by Ms. White that the HRC forward a recommendation to appointment the LEPC members in accordance with the memo from Deputy Clerk Beth McEwen dated November 22, 2016. *Hearing no objection, those nominations would be forwarded for appointment.*

B. Other Business

VI. STAFF REPORTS

Ms. McEwen reported that the deadline for applications for the Aquatics Board, Bartlett Regional Hospital Board, and the Planning Commission was extended to 11/28/2016. Ms. McEwen reported on the applications that had been received up to the time of the meeting.

Mr. Jones noted that the process for those appointments is for the full Assembly to sit as the Human Resources Committee to conduct brief 10-minute interviews with each of the applicants and that meeting is scheduled to begin at 5pm on Thursday, December 8. Mr. Jones explained that each applicant will be sent advance interview questions and those written responses will be included with their applications in the meeting packet for Assembly consideration prior to the interviews.

VII. COMMITTEE MEMBER COMMENTS AND QUESTIONS

None.

VIII. EXECUTIVE SESSION

IX. ADJOURNMENT

Mr. Jones adjourned the meeting at 5:30 p.m.

SPECIAL ASSEMBLY HUMAN RESOURCES COMMITTEE THE CITY AND BOROUGH OF JUNEAU, ALASKA

December 8, 2016 5:00 PM
City Hall Conference Room #224

Full Assembly sitting as the HRC, Immediately followed by a Special Assembly
Meeting for Board Appointments

I. ROLL CALL

Chair Loren Jones called the meeting to order at 5:00 p.m.

Assemblymembers present: HRC Chair Loren Jones, Mayor Ken Koelsch, Deputy Mayor Jerry Nankervis, Mary Becker, Jesse Kiehl, Norton Gregory, Beth Weldon; Maria Gladziszewski and Debbie White joined at 5:10 p.m.

Assemblymembers absent: None.

Staff present: Beth McEwen, Deputy Clerk

II. APPROVAL OF AGENDA

III. AGENDA TOPICS

A. Board Matters

Mr. Jones noted that the applicants scheduled for interviews at 5pm (Sarah Lewis) and 5:50 p.m. (Joanne Schmidt) withdrew. He also noted that Mr. Gamez just came back from hip surgery and his questionnaire was provided to everyone. Due to limited mobility, he was not able to attend in person and said if the Assembly wished to call him with additional questions they could.

Mr. Jones stated that in advance of this meeting, he discussed the Bartlett Regional Hospital Board applicants with the Mayor and Clerk's office and he felt since there were only three open seats and two of the three applicants were unavailable to interview, he decided to postpone action on the BRH application/appointments. He asked that we re-open the advertisement period and in place of the regular HRC meeting on January 23, we will hold that as a Full Assembly as HRC meeting to interview applicants for the BRH Board and begin that meeting at 5:15 p.m. to allow for the additional time needed for this process. Ms. McEwen noted that the application due date has been extended to January 12, 2017.

Mr. Jones noted that in addition to the three open seats coming up on the BRH Board, there will be two additional members whose terms will be expiring next year and they will be ineligible for reappointment due to term limits and he is interested in getting people to interview who have really strong financial backgrounds.

Mr. Jones noted that with respect to the Planning Commission applicants, Matthew Bell was late in turning in his application and Mr. Jones made the decision, that since he was

an incumbent, to accept his application two days late with the understanding that he would inform the HRC members that the application was late and it would be up to the committee to decide on whether or not to consider his application. He also noted that Mr. Bell's interview question responses were not received.

1. Planning Commission

There were three seats on the Planning Commission for terms beginning January 1, 2017 and expiring December 31, 2019. Interviews were held and applications were considered from incumbents Ben Haight, Matthew Bell and applicants Monica Todden, Linda Snow, Dan Miller, Larry Gamez, and Daniel Hickok.

Mr. Gregory noted that he asked Municipal Attorney Amy Mead if he has a conflict of interest since he works with Mr. Gamez but he did not receive a response prior to this meeting regarding that conflict of interest question. Assemblymembers expressed their opinions that they did not think Mr. Gregory had a conflict as it would not be any different from any other member knowing or working with other community members and felt he should be able to participate in the discussions and deliberations. The committee agreed that they did not feel the need to phone Mr. Gamez as his application and interview questionnaire responses were sufficient.

MOTION by Mr. Kiehl to go into executive session to discuss matters which may tend to prejudice the reputation and character of any person, specifically with regard to the qualification of the Planning Commission applicants.

The committee deliberated in Executive Session beginning at 5:54 p.m. and returned at 6:09 p.m. to continue to additional interview applicants for the Planning Commission.

2. Aquatics Board

There was one open seat on the Aquatics Board due to Beth Weldon's election to the Assembly. The seat was for a term beginning immediately and expiring June 30, 2018. Applicants interviewed were Justine Muench and Becky Monagle.

MOTION by Mr. Kiehl to go into executive session to discuss matters which may tend to prejudice the reputation and character of any person, specifically with regard to the qualification of the Aquatics Board applicants.

The committee recessed into executive session at 7:13 p.m. and returned at 7:24 p.m.

3. Bartlett Regional Hospital Board

As noted above, the BRH interviews/appointments were postponed to January 23, 2017.

B. Other Business

III. EXECUTIVE SESSION

A. Executive Session

Executive session motions and times noted above.

After returning from executive session, the following motions were made:

MOTION by Mr. Kiehl to recommend the Assembly appoint Ben Haight, Dan Miller, and Daniel Hickok to the Planning Commission for terms beginning January 1, 2017 and expiring December 31, 2019. *Hearing no objection, the motion passed with unanimous consent.*

MOTION by Mr. Kiehl to recommend the Assembly appoint Becky Monagle to the Aquatics Board for terms beginning immediately and expiring June 30, 2018. *Hearing no objection, the motion passed with unanimous consent.*

IV. ADJOURNMENT

There being no further business, Chairman Jones adjourned the HRC meeting at 7:27 p.m.

Summary of Changes to BRH Personnel Rules

Rule	Brief Description	Consistent w/BRH Current Practice	Consistent w/CBJ Current Practice
Rule 1 Position Classification	Applies to Classified and Partially Exempt Services		
1 PR 005 Classification Plan	requires preparation and maintenance of classification plan for classified and partially exempt positions	New (DBM System)	Yes
1 PR 010 Classification Specifications	requires written specification for each classification and defines elements of the specification	New	(a) added physical, mental environmental requirements (b) added licensure and certification
1 PR 015 Use of Classification Titles	requires each classification to have an official title, allows for use of abbreviations and working titles	New	Yes
1 PR 020 Allocation of Positions	requires allocation of all positions to a classification based on a written description of duties; requires employee be provided with written description; and provides process for employee initiated review	Yes, except employee initiated review is new	Yes
1 PR 025 Effective Date of Allocation Action	provides for an effective date for position allocations	Yes	Yes
Rule 2 Recruitment	Applies to Classified Service		
2 PR 005 General	HR Director determines recruitment method; recruitments may be restricted to current employees including those of CBJ	currently CBJ employees can not apply for BRH vacancies with internal recruitment	Yes
2 PR 010 Announcements	identifies types of appointments subject and not subject to public announcement; elements of an announcement; minimum posting timeframe; and use of an applicant pool to fill more than one vacancy	unbenefited positions no longer subject to public announcement	Yes
2 PR 015 Announcement Distribution	requires distribution of job announcements to local minority and women's organizations; allows HRD to advertise as appropriate	don't currently distribute to minority or women's organizations	Yes
2 PR 020 Applications	requires HR Director to prescribe application format	Yes	Yes
Rule 3 Examination	Applies to Classified Service with Noted Exceptions		
3 PR 005 General	identifies exceptions on applicability; requires department director to provide HR with examination method/material	No, don't currently supply exam material	expanded provisions that apply to non-classified employees
3 PR 010 Examination Methods	authorizes department director to determine form of examination (oral, written, assessment center, etc.)	Yes	Yes
3 PR 015 Medical Examinations	prospective employees are required to be drug tested following a conditional job offer; addresses maintenance of employee health records and required screening	No-drug testing; Yes - health records/screening	drug testing - safety sensitive positions only
3 PR 020 Disqualification of Applicants	identifies reasons an applicant may be disqualified	No current policy or practice in place	Yes

Summary of Changes to BRH Personnel Rules

Rule	Brief Description	Consistent w/BRH Current Practice	Consistent w/CBJ Current Practice
3 PR 025 Criminal Convictions	requires applicant to report all convictions and pass a criminal history check	Yes	Similar - not subject to Alaska barrier crime statute
3 PR 030 Notice of Examination Results	requires department director to notify applicants of disqualification within 10 days	No	Yes
3 PR 035 Confidential Information	addresses confidentiality of information attained through the selection process	Yes	Yes
3 PR 040 Retention of Records	addresses retention of selection process records	Yes	Yes
Rule 4 Selection	Applies to Classified Service		
4 PR 005 General	requires a vacant position be offered to a qualified employee with preferential appointment rights; if none, may be filled through nonpreferential, non competitive or competitive appointment	Yes	Yes
4 PR 010 Preferential Appointment Rights	defines order of preferential appointment rights	don't currently place employees with temporary disability	Yes
4 PR 015 Preferential Rights-Pregnancy/Temp Dis	provides for preferential placement due to pregnancy or temporary disability	New, portions required by law	Yes
4 PR 020 Preferential Rights Due to Layoff	provides for preferential placement due to layoff	Yes	Yes
4 PR 025 Preferential Rights due to ADA Reassign	provides for preferential placement under the Americans with Disabilities Act	Yes	Yes
4 PR 030 Nonpreferential Appointment Rights without Public Announcement	identifies types of nonpreferential appointments that do not require public announcement	New, except re-employment	Yes
4 PR 035 Nonpreferential Appointment Rights of Injured Employees	provides for nonpreferential appointment of an individual who was separated due to a work related injury	New	Yes
4 PR 040 Local Hire Preference	provides a 10% preference to applicants that reside in the CBJ	New	Yes
4 PR 045 Veteran's Preference	provides a 10% preference to veterans	New	Yes
4 PR 050 Notice to Applicants	requires notice to nonselected applicants	Yes - imposes time frame	Yes
4 PR 055 Applicant Appeal Process	provides for an applicant appeal process regarding application, examination and selection process	New	Yes

Summary of Changes to BRH Personnel Rules

Rule	Brief Description	Consistent w/BRH Current Practice	Consistent w/CBJ Current Practice
Rule 5 Appointments	Applies to Classified and Partially Exempt Services		
5 PR 005 General	requires a position to be allocated to a classification and pay range, and the HR Director to authorize the appointment confirming procedures have been followed prior to appointment or an offer of appointment (except emergency appt)	Yes	Yes
5 PR 010 Emergency Appointments	defines emergency appointment	Yes	Yes
5 PR 015 Temporary Appointments	defines temporary appointment including duration and extension approval requirement	Yes	distinction between short and long term does not exist for BRH
5 PR 020 Internships, Student or Clinical Practicums and Job Shadow Placements	defines internships, practicums and job shadow placements	Yes	Similar to Intern or Apprenticeship Program 5 PR 015(d), 9 PR 015
5 PR 025 Interim Appointments	defines interim appointments; limits to 50 weeks	Yes, with exception of current employees who will be placed in acting status (5 PR 035) and 50 week limitation	Similar to Locum Tenens 5 PR 018
5 PR 030 Permanent/Probationary Appts	defines types of permanent/probationary appointments: fulltime, seasonal fulltime, part-time, casual, seasonal casual, PRN	Yes, w/exception of annual 780 hours limitation for casual and casual seasonal	Yes, types of appointments differ
5 PR 035 Acting in a Higher Range	provides for compensation at the salary grade of the higher level position when an employee is performing the work for more than 2 weeks; internal posting required if duration expected to exceed 26 weeks	New - current employees will no longer be placed in an interim appointment	Yes
5 PR 040 Appointment by Transfer	provides for transfer from one position to another w/in same or closely related job classification	Yes, except must be perm	Yes
5 PR 045 Partially Exempt Appointments	defines partially exempt appointments	Yes	Yes
5 PR 050 Appointment by Demotion	defines demotion as appointment to lower job class w/in same or closely related class series for purpose of no public announcement of vacancy	No, currently requires public announcement	Yes
5 PR 055 Appointment by Promotion	defines promotion	Yes	Yes
5 PR 060 Re-employment	provides criteria for re-employment w/out public announcement	No	Yes

Summary of Changes to BRH Personnel Rules

Rule	Brief Description	Consistent w/BRH Current Practice	Consistent w/CBJ Current Practice
Rule 6 Probationary Periods	Applies to Classified Service		
6 PR 005 Purpose	defines purpose of probationary period	Yes	Yes
6 PR 010 Duration	defines duration of probationary period; decision bands A and B - 6 mos (1040 hrs), decision band C - 12 mos (2080 hrs)	No, currently 6 mos (1040 hrs) for all	Yes
6 PR 015 Examination during Probationary Period	requires probationary employee to satisfactorily complete training plan during probationary period	New	Yes
6 PR 020 Rights of Supervisor during the Probationary Period	requires supervisor to prepare a training plan; provides supervisor with right to determine if employee is successful in position	added training plan requirement	Yes
6 PR 025 Change in Classification	specifies an employee who changes classifications prior to completion of probationary must serve a new period	Yes	Yes
6 PR 030 Separation during Probationary Period	specifies a department director may separate a probationary employee without cause; no right of appeal	Yes	Yes
6 PR 035 Prior Permanent Status	provides for return of employee to former classification when perm status was previously obtained; if no vacancy provides layoff rights	Yes	provides return rights, CBJ separates
6 PR 040 Permanent Appointment	specifies required performance rating of "meets" (3) to obtain permanent status and date which employee obtains permanent status if action is not taken to separate, reassign or extend	added performance rating requirement	Yes
Rule 7 Hours of Work, Scheduling and Holidays	Applies to Classified Service		
7 PR 005 Scheduling Hours of Work	each director shall establish hours of work	Yes	No, different workforce needs
7 PR 010 Normal Work Period	defines normal work period	Yes	No, different workforce needs
7 PR 015 Normal Work Week	defines normal work week	Yes	No, different workforce needs
7 PR 020 Normal Work Day	defines normal work day	Yes	No, different workforce needs
7 PR 025 Weekends	addresses weekend scheduling	Yes	No, different workforce needs
7 PR 030 Rest Between Shifts	provides for required off duty time between shifts	Yes	No, different workforce needs
7 PR 035 Alternative Work Schedule	provides for a work day not defined in 7 PR 020	Yes, except "innovative" now called "alternative"	No, different workforce needs
7 PR 040 Posting of Work Schedules	specifies when schedules must be posted	Yes	No, different workforce needs
7 PR 045 Adjustments in Posted Work Schedules	provides timeframe for schedule adjustments and pay due when noticed is not practicable	Yes	No, different workforce needs
7 PR 050 Flexible Workweek Waiver	employees may have a flexible work schedule with approval from department director and no premium pay	Yes	No, different workforce needs
7 PR 055 Meal Periods	defines meal period and pay due if not provided	Yes	Yes
7 PR 060 Rest Periods	defines rest period	Yes	Yes
7 PR 065 Low Census Release	provides for low census release	Yes	No, different workforce needs
7 PR 070 Employee Furlough	provides for reduction in hours in response to fiscal constraints	currently limited to .5 hour reduction only	Yes
7 PR 075 Holidays	defines holidays and manner in which observed	Yes	Yes, with differences due to workforce needs

Summary of Changes to BRH Personnel Rules

Rule	Brief Description	Consistent w/BRH Current Practice	Consistent w/CBJ Current Practice
Rule 8 Performance Evaluations	Applies to Classified and Partially Exempt Services w/exceptions		
8 PR 005 Basis	defines what performance evaluations are based on	Yes	Yes
8 PR 010 Frequency and Standards	specifies HR Director prescribes the format and provides for the frequency	Yes	Yes
8 PR 015 Discussion	requires immediate supervisor to discuss performance evaluation with employee	Yes	Yes
8 PR 020 Rebuttal	provides for the submittal of a rebuttal to the performance evaluation	No, neither policy or CBA provide for rebuttal	Yes
8 PR 025 Performance Improvement Plans	requires performance improvement plan is performance is less than fully acceptable.	No, not currently required	Yes
Rule 9 Orientation and Training	Applies to Classified and Partially Exempt Services		
9 PR 005 General	defines HRD role in training ; new employee orientation and HR related training	Yes	Yes
9 PR 010 Priorities	identifies the order of priority for training resources		
9 PR 015 New Employee Orientation	requires all new employees to attend orientation	Yes	Yes
9 PR 020 Internships and Clinical Practicums	provides for internships and clinical practicums and conditions that must be met for participation	Yes	Yes, with differences for workforce
9 PR 025 Training Reimbursement	defines requirements for department required training and employee requested training	Yes, w/exception of employee requested training - text books and other material that remains property of employee is not paid by employer	Yes
9 PR 030 Training Reimbursement Schedule	requires reimbursement for employee requested training on a prorated schedule if an employee separates within 3 years of attendance; CEO may waive for extenuating circumstances	New	Yes
9 PR 035 Licenses and Certifications	requires employees to maintain licenses and certifications required for their position; allows department director to authorize payment for obtaining and maintaining nationally recognized specialty certifications.	Yes	Yes
Rule 10 Pay	Applies to Classified and Partially Exempt Services		
10 PR 005 Scope	covers all employee in classified and partially exempt services	Yes	Yes
10 PR 010 General	specifies that the HR Director allocates classifications to pay ranges based on the class plan	Yes, although there is not currently a formal classification plan	Yes
10 PR 015 Basis of Pay	an employee is paid according to the DBM rating and salary schedule assigned to position; an employee who works less than fulltime is paid on a prorated basis	Yes, references new class & pay plans	
10 PR 020 Beginning Pay	upon initial hire the HR Director may authorize up to step 4 in accordance w/salary placement pol	Consistent w/new contract language	similar advance step placement provisions
10 PR 025 Prior Experience Credit	Upon completion of the initial probationary period the employee may request credit and HR Director may authorize up to 2 steps at rate of 1040 hours for each year of experience	Credit at lower rate	No, different workforce needs
10 PR 030 Former Employee	a former employee may be placed at the step that most closely matches the employee's former rate of pay adjusted by COL increases since date of separation	No, rehire is not provided for	Similar but does not provide for COL increases

Summary of Changes to BRH Personnel Rules

Rule	Brief Description	Consistent w/BRH Current Practice	Consistent w/CBJ Current Practice
10 PR 040 Movement to another Job Classification Series	provides for step placement upon promotion and demotion; a promoted employee receives at least a one step increase if at step 3 or below in the former range or at least a two step increase if at step 4 or higher of the former range; a demoted employee who held the classification before during current period of employment is placed at the step they would have earned if remained in position; a demoted employee who has not previously held classification is placed at step determined by HR director however, step can not exceed the pay rate of one step below the step of the former classification	No	Similar
10 PR 045 Discretionary Pay	provides authority to HR director to authorize rate of pay above those authorized above; provides termination clause; addresses salary when rate of pay reduced due to market conditions	Yes, w/addition of caring for salary reduction	No, different workforce needs
10 PR 050 Involuntary Demotion	an employee involuntarily demoted enters new range at step no higher than step held in former range; review hours remain same	No	Yes
10 PR 055 ADA Reassignment	provides for step placement upon reassignment under the ADAAA - no higher than step held at higher range; requires new probationary period	New	Yes
10 PR 060 Transfer and Lateral Movement	upon transfer to same position in same job classification review hours and step placement remain same; upon transfer to closely related class step placement remains same and review hours change only if new probationary period; upon transfer to unrelated class step placement remains same but employee serves new probationary period and review hours change	Yes, w/exception of review hours	Similar, accounts for different workforce needs
10 PR 065 Review Date	establishes review date as first day of pay period following 2080 hours in pay status or 26 consecutive pay periods, whichever occurs later	No	Similar, accounts for different workforce needs
10 PR 070 Merit Increase	provides for step increases based on merit; steps 2 through 4 every 2080 or 26 consecutive pay periods; beyond step 4 every 6240 hours or 78 consecutive pay periods, whichever is later; CEO may award up to 4160 review hours for outstanding rating when other exceptional circumstances exist	Not currently based on merit	Yes
10 PR 075 Merit Increase Not Earned	prohibits an employee who receives an overall performance rating of less than "meets" from receiving a merit increase.	Not currently based on merit	Yes
10 PR 080 Step Reduction	allows a department director to reduce an employee's step placement if the employee received an overall performance rating of "unacceptable"	Not currently based on merit	Yes
10 PR 085 Longevity Pay	provides for an annual longevity award to employees with greater than 31,200 hours providing an overall performance rating of "meets" or better is received	Not currently based on merit	No
10 PR 090 Temporary Assignment Pay	provides temporary assignment pay to an hourly employee assigned the duties of a higher level position for up to 2 weeks	Yes	similar
10 PR 095 Acting in a Higher Range Pay	provides for pay as if appointed to the higher level position when an employee is assigned to perform the duties of the position for more than 2 weeks; addresses overtime eligibility while acting	No	Yes
10 PR 100 Shift Differentials	provides shift differential for evening and night shifts	Yes	Yes
10 PR 105 On-call Pay	provides on-call pay for employees assigned to on-call duty	Yes	Yes
10 PR 110 Overtime Defined	provides OT for hours worked in excess of 40 hours per week	No	Yes
10 PR 115 Overtime Rate	specifies the OT rate for an hourly employee is 1 1/2 times the blended rate of pay	Yes	don't use blended rate
10 PR 120 Premium Pay	defines premium pay as any rate of pay other than OT paid at the rate of 1 1/2 times the employee's straight time rate of pay	Yes	No, different workforce needs
10 PR 125 Holiday Pay	provides premium pay for hours worked by an hourly employee on a holiday	Yes	Yes
10 PR 130 Report Pay	provides 4 hours pay to an hourly employee who reports to work and is released for any reason other than discipline	Yes	No, different workforce needs
10 PR 135 Weekend Differential	provides a weekend differential to an hourly employee scheduled to work on the weekend	Yes	No, different workforce needs

Summary of Changes to BRH Personnel Rules

Rule	Brief Description	Consistent w/BRH Current Practice	Consistent w/CBJ Current Practice
10 PR 140 Certification Pay	provides certification pay to an employee who holds a nationally recognized certification that meets criteria specified in policy who has worked the required hours in the prior calendar year: employee must work in the discipline of the certification if requested	Yes	No, different workforce needs
10 PR 145 Preceptor Pay	provides for preceptor pay when a department director authorizes an employee who meets the criteria defined in policy to serve as preceptor	Yes	No, different workforce needs
10 PR 150 Patient Transports	provides for 8 hrs of pay per trip for patient transports; provides for additional 8 hrs of pay if employee cannot return to Juneau within 24 hrs from departure due to weather	Yes	No, different workforce needs
10 PR 155 Adjustments in Posted Work Schedules	provides premium pay to fulltime and part-time employees when their work schedule is adjusted	Yes	No, different workforce needs
10 PR 160 Total Remuneration	no salary, wage or benefit may be paid to an employee except as provided in these rules, by ordinance, resolution of Assembly, state or federal law	Yes	Yes
Rule 11 Leave	Applies to Classified and Partially Exempt Services w/noted exceptions		
11 PR 005 Scope	specifies the types of employees this rule covers: probationary/permanent full-time and part-time and partially exempt	Yes	Yes
11 PR 010 Accrual Rate	specifies rates of accrual; defines hours of employment for the purpose of leave accrual; authorizes the CEO to grant an advanced accrual rate; provides directors 6 mos advanced accrual	Added: (d) CEO may authorize advance leave accrual rate	Differences due to work environment; time in non-leave accruing position counts toward accrual rate; Directors are advanced 6 mos accrual upon appt
11 PR 015 Personal Leave Cash-in	authorizes permanent employees to cash-in personal leave	increases min balance from 40 to 120 hours	Differences in min balance after cash-in; CBJ has min hrs that can be cashed in
11 PR 020 Accrual During Disciplinary Leave	denies leave accrual for any pay period employee is absent without approved leave	No	Yes
11 PR 025 Increase of Leave Accrual	specifies when an increase in accrual rate is effective	Yes	Yes
11 PR 030 Minimum Leave Use	specifies 120 hrs of personal must be used/calendar year; leave not used is deducted w/o compensation unless director certifies no opportunity to use	Yes, except "supervisor" replaced with "director"	usage requirements differ
11 PR 035 Maximum Leave Carry-over	provides for a leave cap of 750 hours on Jan 1; excess is paid in cash to employee	Consistent w/contract	No, cap -1200 hrs; excess converted to banked med lv; CM can approve exception
11 PR 040 Use of Personal Leave	provides use and request requirements	Yes	No, different workforce needs
11 PR 045 Use of Personal Leave for Holidays	specifies employee must use a day of personal leave for each holiday unless required to work; allows for voluntary work waiver for employee not normally scheduled	Yes	No, different workforce needs
11 PR 050 Direction to Take Leave	allows supervisor or director to direct employee to use accrued leave to assure min usage and max balance requirements are met	No	Yes
11 PR 055 Bereavement Leave	provides up to 40 hours of paid time off due to death in immediate family	Yes	No, must use accrued leave of lwop

Summary of Changes to BRH Personnel Rules

Rule	Brief Description	Consistent w/BRH Current Practice	Consistent w/CBJ Current Practice
11 PR 060 Use of Leave to Supplement Worker's Compensation	allows an employee to supplement WC payments through use of personal leave	Yes	Yes
11 PR 065 Leave Without Pay	allows LWOP upon approval when no personal leave available; 5 or more days requires CEO approval	See Comment	Yes
11 PR 070 Leave of Absence	allows for a leave of absence of up to 1 yr upon approval of CEO; provides conditions of return	change in approval authority from dept mgr to CEO	No specific LOA Reg
11 PR 075 Family/Medical Leave	affirms compliance with FMLA and AFLA	Yes	Yes
11 PR 080 Cancellation of Leave	specifies employer retains right to cancel pre-approved leave when circumstances require	No	Yes
11 PR 085 Employee Furloughs	allows CEO to authorize a furlough on voluntary or mandatory basis to reduce costs	No	Yes
11 PR 090 Jury Duty Leave	provides compensation for serving as a juror	Yes	Yes, with differences for workforce
11 PR 095 Employer Witness Duty	provides compensation for serving as a witness on behalf of employer; provides release time for non-employer witness	Yes	Yes, with differences for workforce
11 PR 100 Military Leave without Pay	allows time off w/out pay for active duty and grants reemployment benefits under USERRA	Yes	Yes
11 PR 105 Military Leave with Pay	allows time off w/out loss of pay for training duty, instruction, or search and rescue	No	Yes
11 PR 110 Emergency Service Leave	allows time off w/out loss of pay for members of an auxiliary or rescue component of the US Armed Forces or federal, state, or local emergency services organization for fire suppression, search, rescue or similarly emergency missions under military, federal, state or CBI control	No	Yes
11 PR 115 Maximum Paid Military and Emergency Service Leave	provides a combined 16.5 hours of paid time off per calendar yr for military and emergency services leave	No	Yes
11 PR 120 Educational Leave	allows up to 24 hrs of time off w/out loss of pay per calendar yr w/director's approval; in lieu of time off, employee may request 24 hours pay for participation outside work hrs	No, no longer applies to salaried employee	No
11 PR 125 Professional Leave	allows members of professional organizations up to 24 hrs of time off w/out loss of pay per calendar yr to attend conferences, seminars or trade shows sponsored by a recognized prof org	Yes	No
11 PR 130 Donation of Leave	allows for the donation of personal leave from one employee to another and specifies conditions; provides conversion methodology	No, increase in remaining balance from 40 to 120 hrs; expanded allowable reasons	Yes, except diff in remaining balance - CBJ is 12 days
11 PR 135 Personal Leave on Separation	provides time frame and form of payment upon separation for unused personal leave; employee not eligible for payment if did not provide proper written notice of separation or if resigning in lieu of or discharged for gross misconduct or a serious infraction; specifies conditions under which terminal leave must be refunded when employee is reemployed during period of term leave	Yes, except refund provision upon reemployment	Yes, except: applies to perm employees only; conditions in which terminal leave is not paid and refund provision
Rule 12 Resignation, Nondisciplinary Separation and Voluntary Demotion	Applies to Classified Service		
12 PR 005 Resignations	defines requirements for resigning in good standing, including notice period and performance standard	No, not currently defined, written notice period increased to 4 wks for band C and above	Yes
12 PR 010 Withdrawal or Amend of Resignation	requires dept dir approval for an employee to withdraw or change eff date of resignation	Yes	Yes

Summary of Changes to BRH Personnel Rules

Rule	Brief Description	Consistent w/BRH Current Practice	Consistent w/CBJ Current Practice
12 PR 015 Non-disciplinary Separation	defines non-disciplinary separation	Yes	Yes
12 PR 020 Voluntary Demotion	defines voluntary demotion	Yes	Yes
12 PR 025 Eligibility to be Consider for Future Employment	defines conditions under which a former employee can be considered for future employment	No, imposes restrictions if sep under less than desirable conditions	Yes
Rule 13 Disciplinary Actions	Applies to Classified Service		
13 PR 005 Scope	specifies applies only to classified service	Yes	Yes
13 PR 010 Purpose	defines purpose and progression of disciplinary actions	Yes	Yes
13 PR 015 Predisciplinary Investigations	requires fact finding investigation if discipline is a potential outcome	Yes	Yes
13 PR 020 Predisciplinary Conference	requires a conference prior to issuance of discipline above a warning, if requested by employee	Yes	Yes
13 PR 025 Warning	provides for a written warning and employee reply to written warning	Yes	Yes
13 PR 030 Suspension	provides for suspension without pay as a form of discipline	Yes	Yes
13 PR 035 Step Reduction	provides for a step reduction as a form of discipline	No, not current practice	Yes
13 PR 040 Demotion	provides for demotion as a form of discipline	Yes	Yes
13 PR 045 Dismissal	provides for dismissal as a form of discipline	Yes	Yes
Rule 14 Reduction in Force	Applies to Classified Service		
14 PR 005 Scope	covers separation of employees due to reduction in number of positions	Yes	Yes
14 PR 010 Layoff	specifies the reasons CEO may layoff employees	Yes	Yes
14 PR 015 Criteria	specifies layoff will be by classification with exception for bona fide occupational specialties	Yes	Yes
14 PR 020 Methodology	provides the methodology for determining the order of layoff	More specific	Yes
14 PR 025 Notification	requires minimum of 30 days notice and provides paid time for interviews and benefit meetings	No, current notice 7 days	Yes
14 PR 030 Layoff Rights	provides 24 months of layoff recall rights to permanent employees	Increased from 12 to 24 months	Yes
14 PR 035 Forfeiture of Layoff Rights	specifies reasons layoff rights will be forfeited	Yes	Yes
Rule 15 Grievance and Appeal Procedures	Applies to Classified Service w/exception of employees covered by CBA		
15 PR 005 Scope and Purpose	defines scope and purpose	Yes	Yes
15 PR 010 Representation	specifies grievant may select a representative to assist in presentation of grievance/appeal	Yes	Yes
15 PR 015 Duty Time	allows employee reasonable amount of duty time to meet with mgmt or the Personnel Board	Not currently applicable	Yes
15 PR 020 General Grievance Procedure	provides procedure for grievances regarding working conditions or employment except dismissal, demotion or suspension over 10 days	similar	Yes
15 PR 025 Dismissal, Demotion, or Suspension over 10 Days	provides procedure for grievances regarding dismissal, demotion or suspension over 10 days	similar	Yes
15 PR 030 Appeals to Personnel Board	allows employee to appeal dismissal, demotion or suspension over 10 days to Personnel Board	Yes, but used arbitrator	Yes

Summary of Changes to BRH Personnel Rules

Rule	Brief Description	Consistent w/BRH Current Practice	Consistent w/CBJ Current Practice
Rule 16 Standards of Conduct	Applies to Classified and Partially Exempt Services		
16 PR 005 Political Activity	prohibits political activity while on duty or at BRH unless participating in public forum	Yes	Yes
16 PR 010 Employment Advantage	prohibits offering, giving, soliciting or accepting money, service or valuable to influence employee	No current policy	Yes
16 PR 015 Political Contributions	prohibits soliciting, requiring contributions or services from an employee	No current policy	Yes
16 PR 020 Political Endorsements	prohibits seeking or using political endorsements to influence appointment or employee advantage	No current policy	Yes
16 PR 025 Nominations and Candidacy	requires employee who files a declaration of candidacy for election to Assembly to resign	No current policy	Yes
16 PR 030 Other Employment	requires employee to notify dept director and City Attorney of outside employment	Yes	Yes
16 PR 035 Employment Discrimination	prohibits employment discrimination	Yes	Yes
16 PR 040 Harassment	prohibits unwanted conduct not based on job related factors that adversely affects the employment relationship or working environment	Yes	Yes
16 PR 045 Fair Opportunity	prohibits person from making false statement or obstructing another's right during the selection process	No current pol	Yes
16 PR 050 Nepotism	prohibits employment of relative in a direct supervisory or working relationship; CEO may approve exception for temp assignment when critical need exists	Yes	w/exception for temp assignment
16 PR 055 Drug Free Workplace	prohibits manufacturing, distribution, possession, etc of controlled substances/alcohol in workplace	Yes	Yes
16 PR 060 Effects of Violations of Federal or State Laws	requires reporting if a citation requiring a court appearance is received or if arrested or convicted of a misdemeanor or felony	current policy only requires reporting of barrier crimes	Yes
16 PR 065 Dress Code	Incorporates BRH dress code by reference	Yes	No, workforce differences
16 PR 070 Identification	requires employees to wear photo identification when working	Yes	No
16 PR 075 Tobacco-free Campus and Vehicles	prohibits smoking on BRH campus and in vehicles	Yes	Yes
16 PR 080 Use of BRH Assets	identifies BRH assets and prohibits use for personal gain and other inappropriate reasons; specifies computers and email accounts are accessible at any time	No current pol	Yes
16 PR 085 Use of Cell Phones in Vehicles	prohibits use of cell phones when operating a vehicle except in an emergency situation	No current pol	Yes
16 PR 090 Safety	specifies safety and equipment standards shall be in accordance with law/regulations	Yes	Yes
16 PR 095 Influenza Vaccinations	Employees who have not received a flu vaccination shall wear face masks during the flu season	Yes, but mask is a new requirement	No, workforce differences
16 PR 100 Conscientious Objection	allows for conscientious objection and provides notification requirements	Yes	No, workforce differences
16 PR 105 Violations of Standards of Conduct	specifies an employee who violates standards of conduct may be subject to discipline up to and including dismissal	Yes	Yes
Rule 17 General Provisions	Applies to Classified and Partially Exempt Services		
17 PR 005 Personnel Actions	requires personnel actions affecting an employee be in writing	Yes	Yes
17 PR 010 Personnel Records	specifies personnel records that are open to public inspection	Yes	Yes
17 PR 015 Continuation of Health Insurance	identifies when the employer will provide, and when the employee must pay, for health insurance due to LWOP	No	Yes
17 PR 020 Licensed Employees	requires an employee to notify the HRD if license is no longer valid.	Yes	Yes
17 PR 025 Wearing of Uniforms	specifies that uniforms identifying an individual as a BRH employee may only be worn while working and traveling to and from work	Yes	Yes

Summary of Changes to BRH Personnel Rules

Rule	Brief Description	Consistent w/BRH Current Practice	Consistent w/CBJ Current Practice
Rule 18 Comp and Reimbursements	Applies to Classified and Partially Exempt Services		
18 PR 005 Pay Schedules	specifies location of pay schedule (Appendix I)	New pay schedule with implementation of classification and compensation study	No, pay plans differ
18 PR 010 Shift Differentials	provides the shift differential rates of pay	Yes	No, rates differ
18 PR 015 On-call Rate	provides the on-call rate of pay	Yes	No, rates differ
18 PR 020 Preceptor Rate	provides the preceptor rate of pay	Yes	N/A
18 PR 025 Casual Differential	provides the casual differential rate of pay	Yes	N/A
18 PR 030 Weekend Differential	provides the weekend differential rate of pay	Yes	N/A
18 PR 035 PRN Premium Rate	provides the PRN premium rate of pay	Yes	N/A
18 PR 040 PRN Differential	provides the PRN differential rate of pay	Yes	N/A
18 PR 045 Certification Pay	provides the annual rates for certification pay	Yes	N/A
18 PR 050 Temporary Assignment Pay	provides the temporary assignment rate of pay	Yes	No, rates differ
18 PR 055 Longevity Pay	provides longevity rates of pay	Yes	No, pay plans differ
18 PR 055 Health Benefits and Employee Wellness	addresses health benefits and employee wellness program; employer covers full premium for economy plan; provides Healthy Rewards Program; provides for Health Benefits Committee	Yes	Yes
18 PR 060 Travel Reimbursement	specifies approval authority and incorporates the Travel Reimbursement Policy by reference	Yes	No, BRH reimburses for actual expenses
18 PR 065 Mileage and Vehicle Allowance	provides for reimbursement at the IRS mileage reimbursement rate when an employee uses own vehicle for BRH business	Yes	No, CBJ pays 25% above IRS rate
18 PR 070 Reimbursement of Interview Travel Expenses	provides for reimbursement of expenses with approval of the CEO	Yes	Yes
18 PR 075 Relocation Expense	specifies HR Director may authorize a relocation allowance with written agreement regarding maximum allowance and pro-rated repayment if employee fails to keep commitment	Yes	Yes, however policy will provide detail
Rule 19 Licensed Medical Doctors and Advanced Practitioners	Not subject to the Personnel Rules		
Rule 20 Definitions			

RULE 1

POSITION CLASSIFICATION

Section

005. Classification Plan

010. Classification Specifications

015. Use of Classification Titles

020. Allocation of Positions

025. Effective Date of Allocation Actions

1 PR 005. Classification Plan.

The Human Resources Director shall prepare and maintain a position classification plan which provides for a grouping of all positions in the classified service and the partially exempt service on the basis of typical duties, responsibilities and qualifications.

1 PR 010. Classification Specifications.

(a) The Human Resources Director shall provide and maintain written specifications for each classification. Each specification for the classified service must include a title, a description of the duties, responsibilities, physical, mental and environmental requirements and minimum qualifications. Each specification for the partially exempt service must include a title, a description of the duties, responsibilities, physical, mental and environmental requirements and desired qualifications. The duties and responsibilities included in classification specifications are guidelines and are not inclusive of all duties and responsibilities in positions allocated to a particular class.

(b) The statement of minimum qualifications is the minimum education, experience, licensure, certification and other qualifications required of a new appointee to a position in the classification. When minimum qualifications change as a result of federal, state, occupational or professional requirements, current employees in the job classification may be required to meet the new minimum qualifications and shall be given a reasonable time to do so.

1 PR 015. Use of Classification Titles.

The title of a classification is the official title for every position allocated to that classification. For the purpose of internal management or recruitment, abbreviations or working titles may be used.

1 PR 020. Allocation of Positions.

(a) The Human Resource Director shall allocate all existing and new positions in the classified service and the partially exempt service to classifications according to established classification specifications.

(b) The department director requesting allocation action shall provide the Human Resource Director with a written description of the duties, responsibilities and authority assigned to the

position. The department director shall also submit other information as may be required by the Human Resource Director and such classification recommendations that are appropriate.

(c) The department director shall provide the Human Resource Director with a revised position description if any change is made which may affect the allocation of a position or the standards for evaluating the performance of the employee occupying the position.

(d) The department director shall provide the incumbent of a position with a copy of the current position description for review and signature no later than the effective date of the position description. A copy of the signed position description shall be placed in the employee's personnel file.

(e) An employee who considers his or her position improperly allocated may submit a request for allocation to a different classification in writing to his or her immediate supervisor. The immediate supervisor and the department director shall review, and revise if necessary, the employee's position description to assure that the duties and responsibilities of the position are accurately recorded. The department director shall submit the position description to the Human Resource Director for review. The Human Resource Director shall review the position description for proper allocation. Final allocations are subject to budget constraints as determined by the Chief Executive Officer. This process shall be the sole and exclusive remedy for disputes regarding the allocation of a position or a group of positions.

1 PR 025. Effective Date of Allocation Action.

The effective date of any allocation action shall be the first day of the pay period following the date of the action, unless another date is specified.

RULE 2 RECRUITMENT

Section

005. General

010. Announcements

015. Announcement Distribution

020. Applications

2 PR 005. General.

This Rule applies only to the classified service. The Human Resource Director may use whatever methods are appropriate to recruit qualified applicants. Recruitment may be restricted to current employees, including City and Borough of Juneau employees.

2 PR 010. Announcements.

(a) Recruitment for full time, full time seasonal and part time vacancies must be publicly announced prior to appointment. Casual, casual seasonal, temporary, PRN , preferential appointments made in accordance with 4 PR 010 – 025 and nonpreferential appointments made in accordance with 4 PR 030 – 035 are not subject to public announcement.

(1) Announcements must be in writing and must include: the title of the position, the department, position status, the pay range, minimum qualifications, typical duties, and the dates applications will be accepted. The Human Resource Director may add any additional information believed advisable.

(2) All announcements must be posted for not less than five days, excluding Saturdays, Sundays and those holidays listed in these Rules.

(3) The Human Resource Director may authorize the use of an applicant pool to fill more than one vacancy provided that the additional appointment from the applicant pool occurs within 60 days of the original announcement closing. The additional position to be filled must be in the same job classification and the duties performed shall be reasonably similar to the original vacancy announced.

2 PR 015. Announcement Distribution.

(a) The Human Resources Director shall post all Job Announcements on the organization's job board. Those Job Announcements not restricted to current employees shall be distributed to local minority and women's organizations. The Human Resources Director may place an advertisement in the local newspaper or through other advertising mediums when deemed appropriate by the Human Resources Director and the department director.

2 PR 020. Applications.

All applications must be made in a format prescribed by the Human Resources Director.

RULE 3 EXAMINATION

Section

005. General

010. Examination Methods

015. Medical Examination

020. Disqualification of Applicants

025. Criminal Convictions

030. Notice of Examination Results

035. Confidential Information

040. Retention of Records

3 PR 005. General.

(a) Except for the provisions on medical examinations, medical records, criminal convictions and retention of records, this Rule applies only to the classified service.

(b) The department director shall provide the Human Resources Director with a copy of the methods and materials for the examination of applicants prior to posting the job announcement. All examinations must relate to the applicant's job-related knowledge, skills, ability and willingness to discharge the duties and responsibilities of the position. The department director may change the methods and materials for examination subsequent to reviewing the submitted applications, with approval of the Human Resources Director. The Human Resources Director shall keep a copy of the methods and materials.

3 PR 010. Examination Methods.

The appropriate form of each examination shall be determined by the department director, in consultation with Human Resources Director, and may include oral or written examinations or tests, ratings of training and experience, assessment centers, employment references, background investigations, reports of supervisors, performance evaluations, work samples and personal references. The department director is responsible for setting any minimum qualifying scores for examinations.

3 PR 015. Medical Examination.

(a) All prospective employees are required to submit to a drug test for illegal substances following the acceptance of a conditional job offer. The job announcement and other recruitment material will provide notice of this requirement. No appointment is effective until a verified negative drug test result from the Medical Review Officer has been received.

(b) At the time of employment, all employees will schedule an employee health appointment and submit the following requirements:

- (1) MMR vaccination records or positive titers
- (2) Varicella: reliable history of the disease, varicella vaccination records or positive titer
- (3) Td or Tdap (Tetanus) completed in the last 10 years
- (4) TB skin test, Quantiferon Blood test or questionnaire for positive responders at time of hire and annually thereafter.
- (5) Clinical Staff must receive the Hepatitis B vaccine series or provide vaccine records or a positive titer for immunity.

These requirements must be completed within 7 days of start of employment and before patient contact. Other vaccinations and screening may be required in the future.

3 PR 020. Disqualification of Applicants.

(a) The Human Resources Director shall disqualify an applicant who has failed to submit an application within the prescribed time limit.

(b) A department director, with the concurrence of the Human Resources Director, shall disqualify an applicant who fails to meet the minimum qualifications established for the job classification.

(c) A department director, with the concurrence of the Human Resources Director, shall disqualify an applicant who:

(1) Has made a false statement of fact material to the position applied for;

(2) Has used or attempted to use political influence or bribery to secure an advantage in the examination or appointment, or;

(3) Has directly or indirectly obtained information regarding examinations which an applicant is not entitled to obtain.

(d) A department director, with the concurrence of the Human Resources Director, may disqualify an applicant who has been dismissed from employment for misconduct, unsatisfactory performance of duties or other similar cause.

(1) In making the determination of whether an applicant should be disqualified, the relationship of the dismissal to the duties and responsibilities of the position and the amount of time which has passed since the dismissal shall be considered. The circumstances under which the dismissal occurred may also be considered.

3 PR 025. Criminal Convictions.

(a) An applicant must report all misdemeanor and felony convictions, at the time of application, regardless of the date it occurred.

(b) An offer of employment is contingent upon the applicant passing a criminal history check as required by 7 AAC 10.910 and the Human Resources Director's review under subsection (c) of reported convictions that do not represent a barrier crime as defined in 7 AAC 10.905.

(c) The Human Resources Director shall review the applications of applicants convicted of crimes that don't represent a barrier crime as defined under 7 AAC 10.905, and may disqualify the applicant if the offense for which the applicant was convicted directly relates to the ability to discharge the duties and responsibilities of the position. In making the determination of whether an applicant should be disqualified under subsection (c), the Human Resources Director shall consider: the nature and gravity of the offense or conduct; the time that has passed since the offense, conduct and/or completion of the sentence; and the nature of the job held or sought.

(d) When notification of the presence of a barrier crime identified in 7 AAC 10.905 is received as a result of the criminal history check required by 7 AAC 10.910, if circumstances warrant, the Human Resources Director may request a variance from the State of Alaska under 7 AAC 10.930.

3 PR 030. Notice of Examination Results.

Within ten (10) days of the determination the department director shall provide written notice to all disqualified applicants.

3 PR 035. Confidential Information.

(a) Reports regarding reputation, previous employment, background investigations and similar information obtained as a result of confidential inquiries are confidential and are not available to the applicant.

(b) Medical records are confidential and may not be included within an employee's personnel file. Medical records are available to the employee unless the medical officer who authored the record has prohibited the employee's access to the record.

(c) Examination items which may be used in future examinations may not be made available to any applicant or potential applicant.

3 PR 040. Retention of Records.

(a) Except as provided in subsections (b) and (c), examination records must be retained by the department director or the Human Resources Director for two (2) years from the date the position is filled.

(b) Certain examinations are leased from independent contractors who are responsible for proper retention of the examinations.

(c) Proper retention of employee health records is the responsibility of the Employee Health Unit.

RULE 4 SELECTION

Section

005. General

010. Preferential Appointment Rights

015. Preferential Rights Due to a Request from a Pregnant Employee or an Employee with a Temporary Disability.

020. Preferential Rights Due to Layoff.

025. Preferential Rights Due to ADA Reassignment

030. Nonpreferential Appointment Rights without Public Announcement

035. Nonpreferential Appointment Rights of Injured Employees.

040. Local Hire Preference

045. Veteran's Preference

050. Notice to Applicants
055. Applicant Appeal Process

4 PR 005. General.

(a) This Rule applies only to the classified service.

(b) The department director shall first offer a vacant position to a qualified employee who holds preferential appointment rights in accordance with 4 PR 006. If there are no employees with preferential appointment rights, the department director may fill a position through the use of nonpreferential, noncompetitive appointment rights in accordance with 4 PR 010 or through a competitive selection process.

4 PR 010. Preferential Appointment Rights.

(a) If there is an employee with a preferential employment right, the department director may fill a vacancy without public announcement. The order of preferential appointment shall be:

(1) Due to a request to transfer by a pregnant employee under AS 39.20.520 or an employee with a temporary disability;

(2) Due to return from layoff in accordance with 14 PR 015;

(3) Due to reassignment of duties under the Americans with Disabilities Act.

4 PR 015. Preferential Rights due to a Request from a Pregnant Employee or an Employee with a Temporary Disability.

The department director shall offer the position to a qualified employee of the department if:

(1) The employee is pregnant or has a temporary disability;

(2) The employee requests appointment to the position;

(3) The transfer is recommended by a licensed health care provider;

(3) The employee is qualified for transfer or demotion into the position; and

(4) The duties of the vacant position are less strenuous or less hazardous than those of the employee's current position.

(5) An employee voluntarily transferred or demoted because of pregnancy or temporary disability shall return to the position previously held at such time as the employee's condition permits, provided that service in the alternate position does not exceed 18 weeks.

4 PR 020. Preferential Rights Due to Layoff.

If there are employees on layoff status, the department director shall offer a vacant position to the employee first on the recall list with the highest number of points calculated in accordance with 14 PR 025 (reduction in work force).

4 PR 025. Preferential Rights due to ADA Reassignment.

If an employee is eligible for reassignment under the Americans with Disabilities Act, the Human Resources Director shall offer a vacant position that would otherwise be publicly announced for appointment in accordance with 2 PR 010, to that employee provided the employee is qualified for the position and can perform the essential duties of the position with or without reasonable accommodation.

4 PR 030. Nonpreferential Appointment Rights without Public Announcement.

(a) The department director may select an employee for appointment without public announcement under the following circumstances;

- (1) The employee is eligible for a transfer under 5 PR 040;
- (2) The employee is eligible for a demotion under 5 PR 050;
- (3) The employee is eligible for reemployment under 5 PR 060; or
- (4) The employee is eligible for reemployment under the injured employee provisions of 4 PR 035.

4 PR 035. Nonpreferential Appointment Rights of Injured Employees.

(a) The department director may offer a position to an individual who was injured on duty and has separated from service for the purposes of treatment and recovery from the injury. The department director may offer a position to a current employee who was injured on duty and whose doctor has certified that maximum medical recovery has been reached and the employee cannot perform the essential duties of his or her current position with or without a reasonable accommodation. Such appointment shall be subject to the following rules:

(1) A request for nonpreferential placement must be made in writing to the Human Resource Director within 90 days after the date the injured employee is released to full or modified duty by the injured employee's treating physician; the request for placement must be accompanied by a copy of the treating physician's release. The request must also include:

(A) A completed employment application,

(B) A physical capacities evaluation form completed and signed by the employee's treating physician,

(C) The job classifications for which the injured employee requests placement, and

(D) Any other material that the Human Resource Director may require to evaluate the request for nonpreferential placement.

(2) If a vacancy occurs in a job classification for which the injured employee has requested placement and for which he/she meets the minimum qualifications, the Human Resource Director shall forward the completed packet of materials to the State of Alaska, Department of Labor and Workforce Development, Division of Vocational Rehabilitation. If the injured employee is certified, they will be eligible for nonpreferential placement. The decision to appoint through nonpreferential placement is at the sole discretion of BRH.

(b) Nonpreferential appointment rights under this provision expire three years from the date of the employee's injury.

4 PR 040. Local Hire Preference.

(a) When an applicant pool consists of both City and Borough of Juneau residents and non residents, the department director will give a preference in ranking to applicants eligible to claim residency in the City and Borough of Juneau by;

(1) Utilizing a point scoring system to provide for relative ranking of applicants in the screening process, and

(2) Increasing the score of an applicant eligible to claim residency by 10% of the available score.

(b) If an applicant is eligible for more than one preference, no more that 10% may be added to the applicant's score.

4 PR 045. Veteran's Preference.

(a) When an applicant is a veteran who has been honorably discharged from military service, the department director will give a preference in ranking to the applicant by:

(1) Utilizing a point scoring system to provide for relative ranking of applicants in the screening process, and

(2) Increasing the score of an applicant eligible to claim a veteran's preference by 10% of the available score.

(b) If an applicant is eligible for more than one preference, no more than 10% may be added to the applicant's score.

4 PR 050. Notice to Applicants.

The department director shall send notification to all applicants not selected within ten days of making an appointment. Notification to applicants determined to not meet the minimum qualifications shall be promptly sent following the determination.

4 PR 055. Applicant Appeal Process

(a) An applicant may file an appeal to a decision made by the department director or Human Resource staff during the application, examination, or selection process for BRH employment.

(1) Appeals must be submitted in writing to the Human Resources Director within ten (10) days of the action giving rise to the complaint.

(2) Inquiries made by telephone or personal appearance will be treated as informal inquiries. An informal inquiry may be submitted in writing, or reduced to writing for submission at the request of the Department Director or Human Resource staff.

(3) The Human Resources Director shall investigate the complaint, take appropriate action to resolve the complaint, and issue a final written decision within twenty-one (21) days of receipt of the appeal. The decision of the Human Resources Director is final.

RULE 5 APPOINTMENTS

Section

005. General

010. Emergency Appointments

015. Temporary Appointments

020. Internships, Student or Clinical Practicums and Job Shadow Placements

025. Interim Appointments

030. Permanent/Probationary Appointments

035. Acting in a Higher Range Appointments

040. Appointment by Transfer

045. Partially Exempt Appointments

050. Appointment by Demotion

055. Appointment by Promotion

060. Re-employment

5 PR 005. General.

No appointment or offer of appointment or pay rate, other than an emergency appointment, may be made until the position has been allocated to a classification, the pay range assigned, the Human Resources Director has authorized the appointment and the procedures for filling the vacancy have been followed.

5 PR 010. Emergency Appointments.

(a) An emergency appointment is an appointment made by a department director when a state of emergency has been declared by the Chief Executive Officer or the designated Incident Command Officer. Emergency appointments may be made only under conditions that could not reasonably be anticipated. An emergency appointment may not exceed the duration of the emergency.

(b) In the event of an emergency or civil disaster declared by the President, the Governor or the Mayor, employees may be re-assigned to duties as necessary for the duration of the emergency.

(c) Individuals appointed for the sole purpose of responding to an emergency do not qualify for health or life insurance, retirement, leave, or holiday pay.

5 PR 015. Temporary Appointments.

Temporary appointments are used to substitute for employees on leave, to meet temporary increases in work, unanticipated staff shortages, or to obtain short term services until a permanent appointment can be made. Temporary appointments may not exceed 120 calendar days, unless significant unforeseen circumstances arise. Any extension of a temporary appointment must be approved by the Chief Executive Officer or a designee. Temporary employees are not eligible for health or life insurance, retirement, or leave and may be separated from employment with no notice and without cause.

5 PR 020. Internships, Student or Clinical Practicums and Job Shadow Placements.

(a) Internship appointments are used to introduce students of a designated field to the healthcare environment. Internship employees may be compensated. Internship employees are not eligible for health or life insurance, retirement, leave or holiday pay and may be separated from employment with no notice and without cause.

(b) Student or clinical practicum appointments are used to provide a current student or recent graduate of an accredited healthcare program with the practicum required for their education degree program. Practicum appointments are for credit or experience only and are not monetarily compensated.

(c) Job shadow placements provide the opportunity to observe health care workers' on-the-job tasks. Job shadow placements are not monetarily compensated. If the placement is otherwise an employee, the employee will continue to receive their regular rate of pay for the time spent as a job shadow placement. Job shadow placements typically range from a minimum of two (2) hours to a maximum of sixteen (16) hours for employees being compensated.

5 PR 025. Interim Appointments.

The Human Resources Director may authorize the interim appointment of a qualified individual to a partially exempt position. These hires are temporary appointments and will last until the position can be filled or, in any case, not to exceed 50 weeks. Throughout the appointment, the department

will continue to diligently recruit to fill the position with a permanent appointment. The Human Resources Director may approve a rate of pay outside the DBM rating normally assigned to the position, health benefits, leave benefits, and a per diem allowance consistent with the federal per diem rate. The Personnel Rules relating to recruitment, examination, selection, discipline, grievance and appeal do not apply to interim employees, and they may be terminated at the convenience of the department director on two weeks' notice. Two weeks' notice is not required if the termination is the result of misconduct.

5 PR 030. Permanent/Probationary Appointments.

(a) Permanent/probationary appointments are those appointments having an expected duration of one year or more. Permanent/probationary appointments include full-time, part-time, full-time seasonal, casual, seasonal casual and PRN.

(1) Full-time appointments are those positions regularly scheduled to work thirty-six (36) or more hours during a seven (7) day period, or seventy-two (72) or more hours in a fourteen (14) day period on a year round basis.

Full-time employees shall receive the rights and benefits outlined in these personnel rules unless such rules are superseded by a collective bargaining agreement.

(2) Part-time appointments are those positions regularly scheduled to work at least sixteen (16) hours but less than thirty-six (36) hours during a seven (7) day period, or at least thirty-two (32) hours but less than seventy-two (72) hours during a fourteen (14) day period on a year round basis.

Part time employees shall receive the rights and benefits outlined in these personnel rules unless such rules are superseded by a collective bargaining agreement.

(3) Seasonal full-time appointments are those positions averaging not less than 36 hours per work week and not scheduled to work on a year round basis. Seasonal positions are budgeted for at least 780 hours per fiscal year. It is expected that the same employee will return to the position each season.

Seasonal full-time employees receive the rights and benefits outlined in these personnel rules unless such rules are superseded by a collective bargaining agreement.

(4) Casual appointments are those positions scheduled to work on an intermittent basis. Casual appointments are typically scheduled to work less than sixteen (16) hours in a seven (7) day period or thirty-two (32) hours in a fourteen (14) day period. Casual employees must accept work assignments at least once every three (3) months. Casual employees will not be scheduled for more than 780 hours annually. Class attendance or mandatory annual requirements shall not qualify as work assignments.

Casual employees shall receive the rights outlined in these personnel rules unless such rules are superseded by a collective bargaining agreement. Casual employees are not eligible for health and life insurance, retirement or leave benefits. Casual employees receive a casual differential for each

hour worked at the rate provided in 18 PR 025. Casual employees are not eligible for premium pays as a result of an adjustment to the posted work schedule (7 PR 045).

(5) Seasonal casual appointments are those positions scheduled to work on an intermittent basis. Seasonal casual appointments are typically scheduled to work less than (16) hours in a seven (7) day period or thirty-two (32) hours in a fourteen (14) day period. Seasonal casual employees will not be scheduled to work more than 288 hours over a four (4) month period and more than 780 hours annually. Class attendance or mandatory annual requirements shall not qualify as work assignments.

Seasonal casual employees receive the rights and benefits outlined in these personnel rules unless such rules are superseded by a collective bargaining agreement. Seasonal casual employees are not eligible for health and life insurance, retirement, or leave benefits.

(6) PRN (pro re nata) appointments must be available at minimum, two (2) shifts per pay period, with no more than six (6) weeks of preapproved unavailability within a calendar year. PRN appointments are used to provide qualified staff to supplement staffing in times of unpredictable absences, absences under the Family and Medical Leave Act and the Alaska Family Leave Act, high census, high acuity, and vacancies. BRH PRN Policies for Speech Therapy and Nursing, and successor policies, are hereby incorporated by reference.

PRN employees are not eligible for health and life insurance, retirement, or leave benefits. In lieu of benefits, PRN employees are paid a PRN differential in accordance with 18 PR 040.

5 PR 035. Acting in a Higher Range Appointment.

(a) An “acting in a higher range” appointment is used to fill a permanent position with a current permanent/probationary employee while the regular employee is on leave or a position is vacant when the expected duration of the absence or vacancy is not less than two (2) weeks. Acting in a Higher Range appointments are not subject to the public announcement provisions of 2 PR 010.

(b) If the expected duration of the “acting in a higher range” appointment is twenty-six (26) weeks or less the department director may appoint a current permanent, or probationary employee in accordance with 6 PR 025, who meets the minimum qualifications for the classification of the position. If the need for the “acting in a higher range” appointment exceeds the original expected duration due to conditions that could not have been reasonably anticipated the Human Resource Director may grant an extension.

(c) If the expected duration of the “acting in a higher range” appointment is greater than twenty-six (26) weeks the vacancy shall be posted for internal applicants and the appointment must be made in accordance with the recruitment and selection requirements of these rules.

(d) A permanent or probationary employee who accepts an “acting in a higher range” appointment will retain status in the employee’s former classification and position. An employee accepting an “acting in a higher range appointment” does not gain any status in the position or job classification.

However, time served in an “acting in a higher range” appointment may be used to qualify an employee for other vacancies.

(e) If the regular incumbent of the position fails to return, the position must be filled in accordance with the recruitment, examination and selection requirements of these rules.

(f) This rule does not preclude the filling of the position by an interim or temporary appointment.

(g) Acting in a higher range appointments shall be compensated in accordance with 10 PR.

5 PR 040. Appointment by Transfer.

(a) Transfer means the movement of an employee from one position to another position in the same classification or a closely related classification at the same DBM Rating without a break in service.

(b) An employee may transfer to a different position in the same classification and DBM rating within the same department at the discretion of the department director. The employee’s status will not change when no change in classification results from the transfer.

(c) An employee may transfer to a different position in the same classification and DBM rating in a different department at the discretion of the receiving department director. The employee’s appointment type will not change when no change in classification and DBM rating results from the transfer.

(d) The transfer of an employee to a different position in a closely related classification requires the prior approval of the Human Resources Director.

(e) A temporary employee, PRN, casual or seasonal casual employee may only transfer to another position of the same appointment type.

(f) When an employee is transferred to a closely related classification at the same DBM rating, the receiving department director and the Human Resources Director shall determine the employee’s appointment type. The department director shall inform the employee of the proposed appointment type prior to the transfer becoming effective.

5 PR 045. Partially Exempt Appointments.

Partially exempt appointments may be full time or less and are not subject to the rules on recruitment, examination, selection, probationary periods, seniority, reduction in work force, discipline and the grievance and appeal procedures. Partially exempt employees are not within the classified service.

5 PR 050. Appointment by Demotion.

A department director may appoint a current employee to a vacant position in the same job classification series or a closely related job classification series at a lower DBM rating. The recruitment, examination and selection rules do not apply to these appointments. The employee must meet the minimum qualifications of the new position.

5 PR 055. Appointment by Promotion

(a) Promotion means the movement of an employee from one position to another position in a higher classification or salary range without a break in service.

(b) Employees will be promoted only when the employee has met the minimum qualifications of the higher position.

5 PR 060. Re-employment.

(a) At the discretion of the department director an employee who separated in good standing may be re-employed in the same classification without examination provided the re-employment takes place within three (3) years of the employee's separation. For these appointments the recruitment, examination and selection rules do not apply.

(b) To be eligible for re-employment the former employee must meet the current minimum qualifications of the classification.

(c) All re-employment appointments of former permanent employees to a permanent position will require a new probationary period.

(d) A former temporary, PRN, casual or seasonal casual employee may only be re-employed under this rule in a position of the same appointment type.

RULE 6

PROBATIONARY PERIODS

Sections

005. Purpose

010. Duration

015. Examination during Probationary Period

020. Rights and Obligations of the Supervisor during the Probationary Period

025. Change in Classification

030. Separation during Probationary Period

035. Prior Permanent Status

040. Permanent Appointment

6 PR 005. Purpose.

The probationary period is a part of the examination process for employees in the classified service. The probationary period is used for orienting and training the employee, closely observing and evaluating the employee's performance, and separating an employee who fails to satisfactorily complete the probationary period, as decided by the department director based on any lawful judgment, whether or not objective.

6 PR 010. Duration.

- (a) The probationary period for full time employees in decision bands A and B is six (6) calendar months. For less than full time employees in decision bands A and B, the probationary period is 1040 hours in work status.
- (b) The probationary period for full time employees in decision band C is one (1) year. For less than full time employees in decision band C, the probationary period is 2080 hours in work status.
- (c) With the approval of the Chief Executive Officer, the probationary period may be extended one or more times provided that the original probationary period plus extensions may not exceed double the duration of the original probationary period.

6 PR 015. Examination during Probationary Period.

A probationary employee must satisfactorily complete a training plan during his or her probationary period. The training plan will include all key performance areas of the position as well as such attributes as dependability, interpersonal skills, customer service, and any other attributes or skills necessary for the employee to adequately perform the duties of the position.

Probationary employees must demonstrate an acceptable level of proficiency in all areas of the training plan prior to successfully completing the probationary period.

6 PR 020. Rights and Obligations of the Supervisor during the Probationary Period

A supervisor must prepare a training plan for the probationary employee. Such training plan must be in place prior to the employee's first day of work. The supervisor shall meet with the employee on a regular basis to discuss the employee's progress, or lack of progress, in completing the training plan.

A supervisor shall have the right to determine, at any time during the probationary period, that the probationary employee does not have the knowledge, skills, abilities or attributes to be successful in the position.

6 PR 025. Change in Classification.

No employee may transfer to a different position, department or unit during his/her probationary period unless indicated by business considerations or patient care needs.

6 PR 030. Separation during Probationary Period.

A probationary employee who does not satisfactorily complete a probationary period may be separated at the direction of the department director without cause. The department director shall notify the employee in writing of the separation. A probationary employee does not have the right to appeal a separation.

6 PR 035. Prior Permanent Status.

(a) An employee with permanent status who becomes probationary because of a promotion, appointment to an unrelated classification at the same salary range, or voluntary demotion to a classification not formerly held and fails to complete the new probationary period will be returned to the previous classification in which permanent status was held providing a vacancy exists.

(b) If a vacancy does not exist in the previous classification in which permanent status was held, the employee is placed on layoff status for the last classification where the employee held permanent status.

6 PR 040. Permanent Appointment.

(a) In order for a probationary employee to become permanent, the employee must receive an end-of-probation performance evaluation with an overall rating of “meets” or better.

(b) A probationary appointment becomes permanent on the employee’s first day of work following completion of the probationary period unless the department director takes action to separate, reassign, or extend the probationary period of the employee in accordance with 6 PR 010(c).

RULE 7

HOURS OF WORK, SCHEDULING AND HOLIDAYS

Section

005. Scheduling Hours of Work

010. Normal Work Period

015. Normal Work Week

020. Normal Work Day

025. Weekends

030. Rest Between Shifts

035. Alternate Work Schedule

040. Posting of Work Schedules

045. Adjustments in Posted Work Schedules

050. Flexible Workweek Waiver

055. Meal Periods

060. Rest Periods

065. Low Census Release

070. Employee Furlough

075. Holidays

7 PR 005. Scheduling Hours of Work.

Each department director shall establish the scheduled hours of work for employees within the director's department. Hours of work for full-time employees may not be less than the minimum established in 7 PR 010.

7 PR 010. Normal Work Period.

(a) The normal minimum work period for full-time employees with allowances for holidays and leaves of absence is:

- (1) Forty (40) hours within a seven (7) day period,
- (2) Eighty (80) hours within a fourteen (14) day period,
- (3) Thirty-six (36) hours within a seven (7) day period, or
- (4) Seventy-two (72) hours within a fourteen (14) day period.

(b) The work period will be designated at time of appointment and may be changed with reasonable notice.

(c) Work periods that extend beyond seven (7) days are only applicable to positions that qualify under Section 7(j) of the Fair Labor Standards Act.

7 PR 015. Normal Work Week.

Unless otherwise provided, thirty-six (36) and forty (40) hour work periods begin at 12:00 a.m. on Sunday and end at 11:59 p.m. the following Saturday. Seventy-two (72) and eighty (80) hour work periods begin at 12:00 a.m. on Sunday and end fourteen days later on Saturday at 11:59 p.m.

7 PR 020. Normal Work Day.

The normal work day for full time employees is either eight (8) hours of actual attendance on duty or twelve (12) hours of actual attendance on duty.

7 PR 025. Weekends.

(a) Full-time and part-time employees will normally be scheduled to work no more than two (2) out of every four (4) weekends.

- (1) The weekend for day and evening shift employees is defined as Saturday and Sunday.
- (2) The weekend for night shift employees is defined as Friday night and Saturday night.

- (b) A full-time or part-time employee who is scheduled to work more than two (2) out of every four (4) weekends will be compensated in accordance with 10 PR 120 (Premium Pay) for all hours worked on those weekends and all consecutive weekends worked until a scheduled weekend off.
- (c) A full-time or part-time employee who is required to work on an unscheduled weekend will be compensated for all hours worked in accordance with 10 PR 120 (Premium Pay)
- (d) A full-time or part-time employee who voluntarily signs a waiver to work more frequent weekends or who voluntarily agrees to an extra weekend shift after the schedule is posted, is not eligible for compensation in accordance with 10 PR 120 (Premium Pay).
- (e) An employee, except a salaried employee, who works on the weekend shall receive a weekend differential for each hour worked in accordance with 10 PR 135.

7 PR 030. Rest Between Shifts.

- (a) An employee shall be provided with at least ten (10) hours off duty between shifts.
- (b) An employee who is required to return to work within ten (10) hours of the completion of their last shift will be compensated in accordance with 10 PR 120 (Premium Pay) for all hours worked on that shift unless the employee is receiving on-call pay.

7 PR 035. Alternate Work Schedule.

An alternate work day other than eight (8) or twelve (12) hours may be established within a work period defined in 7 PR 010.

7 PR 040. Posting of Work Schedules.

Four (4) week work schedules shall be posted ten (10) days prior to the beginning of the first covered work period.

7 PR 045. Adjustments in Posted Work Schedules.

Work schedules may be adjusted to maintain an effective and orderly operation.

Seven (7) days prior notice is required when a full-time or part-time employee's work schedule is adjusted. If seven (7) days prior notice is not practicable, the provisions of 10 PR 120 (premium pay) apply.

7 PR 050. Flexible Workweek Waiver

Employees who have the flexibility to set their own work hours without impacting the Employer's operation may, with approval of the department director, work a flexible work schedule provided the schedule does not result in premium pay.

7 PR 055. Meal Periods.

- (a) An employee who works a shift of six (6) hours or more shall receive an unpaid meal period of thirty (30) minutes at approximately the midpoint of the shift.
- (b) An employee who is required to remain on duty for a total of sixteen (16) hours shall receive an additional unpaid meal period of thirty (30) minutes.
- (c) Employees required to remain on duty during the meal period shall be compensated at the appropriate rate of pay.

7 PR 060. Rest Periods.

- (a) An employee shall be allowed two (2) paid rest periods of fifteen (15) minutes each during a shift of at least eight hours.
- (b) An employee shall be allowed three (3) paid rest periods of fifteen (15) minutes each during a shift of twelve (12) hours or more.
- (c) If continuous operation is required, the employer shall provide a substitute during the rest period when practicable.

7 PR 065. Low Census Release.

- (a) Notwithstanding the provisions of 7 PR 005 – 015, the department director or a designee may, due to low census, release an employee from duty. The employee will be charged personal leave for the release period unless the employee elects to be placed on leave without pay.
- (b) An employee who is released from duty within the first four (4) hours of the scheduled shift, shall be compensated in accordance with 10 PR 130 (Report Pay).
- (c) An employee who is released from all or part of a scheduled work day due to low census shall continue to receive credit toward health benefits for the scheduled but unworked hours.

7 PR 070. Employee Furlough.

Notwithstanding the provisions of 7 PR 005 - 015, the Chief Executive Officer may, at his or her discretion, reduce the minimum work week or normal work day for all employees in response to fiscal constraints.

7 PR 075. Holidays.

- (a) The following days are recognized as holidays:
 - (1) the first of January, known as New Year's Day

- (2) the third Monday in January, known as Martin Luther King Jr.'s Birthday
- (3) the third Monday in February, known as President's Day
- (4) the last Monday in May, known as Memorial Day
- (5) the fourth of July, known as Independence Day
- (6) the first Monday in September, known as Labor Day
- (7) the 18th of October, known as Alaska Day
- (8) the 11th of November, known as Veteran's Day
- (9) the fourth Thursday in November, known as Thanksgiving
- (10) the day after Thanksgiving
- (11) the 25th day of December, known as Christmas

(b) If a holiday falls on Sunday, a department may choose to observe the holiday on the following Monday.

(c) If a holiday falls on Saturday, a department may choose to observe the holiday on the preceding Friday.

(d) The observance of Christmas will begin with the commencement of the designated evening shift on December 24 and continue through the end of the designated day shift on December 25. If an employee is scheduled to work a day shift on December 24 and an evening shift on December 25, the employee shall receive holiday pay for the evening shift on December 25.

(e) The observance of New Year's Day will begin with the commencement of the designated evening shift on December 31 and continue through the end of the designated day shift on January 1. If an employee is scheduled to work a day shift on December 31 and an evening shift on January 1, the employee shall receive holiday pay for the evening shift on January 1.

(f) Full-time and part-time employees are required to use one day of personal leave for each designated holiday unless the employee works on the holiday or it is the employee's scheduled day off.

(g) Employees who work on a day listed in 7 PR 075(a)(1)-(11) will be compensated in accordance with 10 PR 125 (Holiday Pay) or 10 PR 110 (Overtime), whichever is applicable. Employees who work on a rescheduled holiday provided for in 7 PR 075(b) and (c) are not eligible for Holiday Pay.

RULE 8

PERFORMANCE EVALUATIONS

Section

005. Basis

010. Frequency and Standards

015. Discussion

020. Rebuttal

025. Performance Improvement Plans

8 PR 005. Basis.

Performance evaluations will be based on quantity of work, quality of work, adherence to CARE values, employee conduct and other characteristics that measure the value of the employee's service.

8 PR 010. Frequency and Standards.

(a) The Human Resources Director shall prescribe the form and frequency of performance evaluations.

(b) A performance evaluation for full-time, part-time, casual and PRN employees must be completed at the end of the probationary period and at least once every 12 months thereafter.

(c) A performance evaluation for seasonal full-time and seasonal casual employees must be completed at the end of the probationary period and at the end of each work season thereafter.

(d) Nothing in sections (a) through (c) precludes a supervisor from conducting performance evaluations on a more frequent basis.

(e) Supervisors shall establish standards of performance as a basis for evaluation that relate to the duties of the employee's position.

(f) The Human Resources Director shall provide training and written guidelines to promote uniformity of standards by different raters.

(g) A performance evaluation shall be completed for each permanent employee who accepts another BRH position or separates from BRH service.

8 PR 015. Discussion.

The employee's immediate supervisor shall discuss the evaluation with the employee to assist the employee in understanding the degree to which the employee has met the requirements of the position and what actions the employee may take to improve performance.

8 PR 020. Rebuttal.

(a) Performance evaluations are an exercise of management rights and the contents of an evaluation may not be the subject of a grievance or other relief under these rules.

(b) An employee who disagrees with a performance evaluation may submit a written rebuttal to his or her supervisor within ten days of the date the evaluation is delivered to the employee. The Human Resources Director may, at his or her discretion, extend the time frames for the rebuttal.

(c) The employee shall be allowed no more than 2 hours of work time to prepare the written rebuttal.

(d) The rebuttal will be attached to the employee's evaluation and included in the employee's personnel file.

8 PR 025. Performance Improvement Plans.

(a) When, at the discretion of the supervisor, a permanent employee's performance needs improvement, the supervisor shall implement a performance improvement plan. Such plan must be reduced to writing. Areas of deficient performance will be articulated along with what standards must be met in order to achieve an acceptable level of performance. The performance improvement plan shall cover a specific period of time, but may not exceed 1040 hours.

(b) During the performance improvement period, the supervisor and the employee shall meet on a regular basis to discuss the employee's progress, or lack thereof, in the deficient areas of performance.

(c) At the end of the performance improvement period, the supervisor shall prepare a formal evaluation. If the employee's performance has not improved in any of the areas covered in the plan, the employee may be subject to disciplinary action in accordance with 13 PR 015 - 035.

(d) Nothing in this section precludes the supervisor from concluding the employee is not making satisfactory progress on the performance improvement plan. Should such a decision be reached the employee may be subject to disciplinary action.

RULE 9

ORIENTATION AND TRAINING

Section

005. General

010. Priorities

015. New Employee Orientation

020. Internships and Clinical Practicums

025. Training Reimbursement

030. Training Reimbursement Schedule

035. Licenses and Certifications

9 PR 005. General.

The Human Resources Director will assist department directors in the establishment of new employee orientation and will provide human resource related training.

9 PR 010. Priorities.

(a) Training resources will be allocated according to the following priorities:

- (1) Training necessary for employees to continue in their current positions because of changes to work processes, procedures or tools.
- (2) Training in safe working practices and responding to emergencies.
- (3) Training to improve performance in an employee's current position.
- (4) Training to prepare employees for other positions.

9 PR 015. New Employee Orientation.

- (a) All new employees will attend orientation concurrent with their first scheduled work day unless an exception is authorized by the Human Resources Director.
- (b) All new employees will complete Fire, Life & Safety orientation within thirty (30) days of appointment.
- (c) All new employees will complete departmental orientation within thirty (30) days of appointment.

9 PR 020. Internships and Clinical Practicums.

- (a) Department directors, with the approval of the Human Resources Director, may establish internships or clinical practicums. Such programs must have definable educational goals consistent with the type of work performed. Interns or clinical practicums will be appointed under the conditions of 5 PR 016.
- (b) In order to be eligible for an internship a student must demonstrate proof of enrollment or recent graduation from an accredited secondary institution, at an accredited college or university at the undergraduate or graduate level, or at an accredited post-secondary vocational school in a related field of study.
 - (1) If currently enrolled in a related degree program, the student must be enrolled at least half time during his or her period of employment, or be receiving credit towards program completion if the program requires a full time work related placement. If the internship is during a regularly scheduled school break, the student must be able to demonstrate enrollment for the previous school year, and enrollment for the upcoming school year.
 - (2) If a recent graduate, the student will work toward gaining the experience required to practice independently.
 - (c) Current students of an accredited healthcare program, upon execution of an agreement with an accredited educational institution, may participate in a clinical practicum as part of their educational degree requirements.

9 PR 025. Training Reimbursement.

(a) Department Required Training. This section applies to training which is at the department's direction and is intended to provide the employee with additional skills and knowledge to maintain or improve performance in the employee's current position

(1) The department shall pay for registration, tuition, textbooks and other course fees and materials incurred when an employee attends department required training. The textbooks and materials remain the property of the department unless otherwise authorized by the department director.

(2) If the employee fails to attend the training without good cause, adverse employment action may ensue including discipline and/or a requirement to repay travel and training costs.

(b) Employee Requested Training. This section applies when an employee requests funding to attend a course seminar, workshop, correspondence course or other type of training that is not required by the department. Requests for employee training may be granted when funds are available and after priority training needs for the department have been met.

(1) Costs paid for by the employer may include registration, tuition or other course fees. The employee will pay for textbooks and other materials that remain the property of the employee.

(2) Written requests for training funding require approval of the department director and the Chief Executive Officer or his or her designee. Requests must include all information requested by the department director, but at minimum must include:

(A) A description of the training with an explanation of how the training will benefit the employee in the employee's current position;

(B) An estimate of the total cost for the training and the amount proposed for payment;

9 PR 030. Training Reimbursement Schedule.

(a) When BRH's cost share of employee requested training exceeds \$500.00, prior to execution of payment, the department director and the employee shall enter into a reimbursement agreement. Such agreement must be in writing and signed by both the employee and the department director. The reimbursement schedule will be as follows;

(1) 100 percent if the employee fails to complete the training with a "pass" or if a grade is given, "C-" or higher, or separates from the position as a result of the employee's own actions, or for cause, before 26 weeks from completion of the training or certification;

(2) 75 percent if the employee separates from the position as a result of the employee's own actions, or for cause, after 26 weeks, but before 52 weeks from completion of the training or certification;

(3) 50 percent if the employee separates from the position as a result of the employee's own actions, or for cause, after 52 weeks, but before 78 weeks from completion of the training or certification;

(4) 25 percent if the employee separates from the position as a result of the employee's own actions, or for cause, after 78 weeks, but before 104 weeks from completion of the training or certification.

(b) In cases of extenuating circumstances, the Chief Executive Officer may waive the training reimbursement agreement at his or her discretion.

(c) The BRH shall have the right to obtain training reimbursement from the employee by deduction from the employee's final paycheck any monies due according to the schedule above or by other legal means in accordance with 18 PR 085.

9 PR 035. Licenses and Certifications.

An employee is responsible for maintaining all licenses and certifications necessary to maintain the minimum qualifications for the position and job classification to which allocated. The department director may, at his or her discretion, authorize payment for obtaining and maintaining a nationally recognized job related specialty certification.

RULE 10 PAY

Section

005. Scope

010. General

015. Basis of Pay

020. Beginning Pay

025. Prior Experience Credit

030. Former Employee

035. Movement within a Job Classification Series

040. Movement to another Job Classification Series

045. Discretionary Pay

050. Involuntary Demotion

055. ADA reassignment

060. Transfer and Lateral Movement

065. Review Date

070. Merit Increase

075. Merit Increase Not Earned

080. Step Reduction

085. Longevity Pay

090. Temporary Assignment Pay

095. Acting in a Higher Range Pay

100. Shift Differentials

- 105. On-Call Pay**
- 110. Overtime Defined**
- 115. Overtime Rate**
- 120. Premium Pay**
- 125. Holiday Pay**
- 130. Report Pay**
- 135. Weekend Differential**
- 140. Certification Pay**
- 145. Preceptor Pay**
- 150. Patient Transports**
- 155. Adjustments in Posted Work Schedules**
- 160. Total Remuneration**

10 PR 005. Scope.

This Rule covers all employees in the classified and partially exempt services.

10 PR 010. General.

The Human Resources Director shall allocate classifications to pay ranges based on the classification plan.

10 PR 015. Basis of Pay.

(a) An employee is paid according to the DBM rating and salary schedule assigned to the position occupied by the employee.

(b) An employee paid on a salary basis who works less than full time shall be paid on a prorated basis.

10 PR 020. Beginning Pay.

Except as provided in 10 PR 030 (former employee), upon initial hire, the Human Resources Director, at his or her sole discretion, may place a new employee up to and including Step 4 of the DBM rating of that classification. Such placement will be in accordance with the salary placement policy.

10 PR. 025. Prior Experience Credit

Upon successful completion of the initial probationary period and the request of the employee, the Human Resources Director may authorize up to two (2) additional steps at a rate of 1040 hours for each year of experience related to the employee's current position. Experience credit will be applied in accordance with 10 PR 070. The hours recognized under this provision shall not be credited for any purpose other than step placement.

10 PR 030. Former Employee.

A former employee eligible for non-competitive re-employment under 5 PR 065, and who remained current in their field through subsequent employment, shall be placed at the step that most closely matches the employee's former rate of pay to the salary schedule since the employee's date of separation.

10 PR 035. Movement within a Job Classification Series.

Movement of an employee within a distinct job classification series will not alter the employee's accrued review hours for the purpose of step placement.

(a) An employee who moves to a higher DBM rating within the job classification series shall serve a new probationary period.

(b) An employee who moves to a lower DBM rating within the job classification series shall not serve a new probationary period.

10 PR 040. Movement to another Job Classification Series.

The step placement of an employee who moves from one distinct job classification series to another will be determined as follows:

(a) Promotion:

(1) An employee at steps one (1) through (3) who experiences a change in classification to a higher DBM rating shall be placed at step one (1) of the salary schedule for the new position or at such higher step that equals at least the pay rate of a one (1) step increase in the former range

(2) An employee at step four (4) or above who experiences a change in classification to a higher DBM rating shall be placed at step one (1) of the salary schedule for the new position or at such higher step that equals at least the pay rate of a two (2) step increase in the former range.

(3) A promoted employee shall serve a new probationary period, the employee's review hours shall be established at the base hours for that step on the salary schedule and the employee shall begin to accrue review hours from that point.

(b) Demotion:

(1) An employee who experiences a change in classification to a lower DBM rating shall, if they held the classification previously during the employee's current period of employment, be placed at the step the employee would have earned had the employee remained in the former classification. The employee shall not serve a new probationary period if the employee formerly held permanent status in the job class.

(2) An employee who experiences a change in classification to a lower DBM rating for a classification not previously held, shall be placed at a step determined by the Human Resources

Director provided, however, that the step placement does not exceed the pay rate of one step below the step of the higher DBM Rating. The employee shall serve a new probationary period, the employee's review hours shall be established at the base hours for that step on the salary schedule, and the employee shall begin to accrue review hours from that point.

10 PR 045. Discretionary Pay.

(a) The Human Resources Director may, at his or her sole discretion, authorize a rate of pay above that provided for in 10 PR 020 – 10 PR 040. Notification must be provided to the employee including any conditions that must be met to retain the discretionary pay.

(b) The Human Resources Director may, at his or her sole discretion, terminate previously authorized discretionary pay with at least fourteen (14) days written notice to the employee.

(c) When an employee's rate of pay is reduced due to changes in market conditions and the employee retains the same DBM rating, the employee shall be placed at the step of the DBM rating that equals the employee's current rate of pay. If there is not a step within the DBM rating that equals the employee's current rate of pay, the employee shall be placed at the step that is closest to without exceeding, the employee's current rate of pay. The employee's pay will be frozen until such time as the salary of the assigned DBM rating and step equals or exceeds the employee's frozen rate of pay.

10 PR 050. Involuntary Demotion.

An employee demoted for cause enters the new range at a step no higher than the one occupied in the former range. The employee's review hours shall be established at the base hours for that step on the salary schedule, and the employee shall begin to accrue review hours from that point.

10 PR 055. ADAAA Reassignment as amended.

(a) An employee who is reassigned as a reasonable accommodation under the Americans with Disabilities Act shall enter the new range at a step no higher than the one the employee occupied in the former range.

(b) The employee shall serve a new probationary period and establish a new merit anniversary.

10 PR 060. Transfer and Lateral Movement.

(a) The review hours and step placement of an employee transferred in accordance with 5 PR 040 with no change in job classification and DBM rating will not change due to the transfer.

(b) The step placement of an employee transferred to a closely related job classification in accordance with 5 PR 040 will not change. The employee's review hours will remain the same unless the employee serves an amended probationary period.

(c) The step placement of an employee who laterally moves to a position that is not considered a transfer in accordance with 5 PR 040 will not change. The employee will serve a new probationary period and the employee's review hours shall be established at the base hours for that step on the salary schedule, and the employee shall begin to accrue review hours from that point.

10 PR 065. Review Date.

An employee's review date is the first day of the pay period following 2,080 hours in pay status or twenty-six (26) consecutive pay periods, whichever occurs later.

10 PR 070. Merit Increase.

(a) Steps 2 through 13 in the pay schedule recognize merit. Permanent and partially exempt employees are eligible for step increases on his or her review date in accordance with the schedule outlined in 10 PR 070 (b).

(b) A step increase of 1 step in the pay range is given to a permanent or partially exempt employee who receives an overall performance rating of "meets" or better. Such increase is due when the employee reaches his or her date set in accordance with 10 PR 065 according to the following schedule:

(1) Steps 2 through 4: One (1) year of service. One (1) year of service is defined as 2,080 hours in pay status or twenty-six (26) pay periods of continuous service, whichever is greater.

(2) Beyond step 4: Three (3) years of service. Three (3) years of service is defined as 6,240 hours in pay status or seventy-eight (78) pay periods of continuous service, whichever is greater.

(c) The Chief Executive Officer may award up to 4,160 review hours and advance the review date of an employee who receives an overall performance rating of "outstanding", and where other exceptional circumstances exist. The award of additional review hours shall be considered to meet the equivalent continuous service requirement.

10 PR 075. Merit Increase Not Earned.

(a) If an employee receives an overall performance rating of less than "meets," the employee shall not be eligible for a merit increase.

(b) The employee's review date does not change when a step increase has not been earned due to less than acceptable performance.

(c) If the employee's overall performance rating reaches "meets" a step increase will be given effective the first day of the pay period following the "meets" evaluation.

(d) Should a merit increase be withheld, the supervisor must implement a performance improvement plan consistent with the provisions of 8 PR 025.

10 PR 080. Step Reduction.

(a) If an employee receives an overall performance rating of “unacceptable” the department director may reduce the employee’s step placement by one step, after consultation with the Human Resources Director in accordance with 13 PR 035.

(b) The employee’s review date does not change when a step has been reduced or restored. The reduction is effective the first day of the pay period following written notice to the employee. Not less than 2 pay periods must pass before a step reduction may be restored.

(c) If the employee’s overall performance rating reaches “meets” the former step will be restored effective the first day of the pay period following the “meets” evaluation.

(d) If an employee receives a step reduction, the supervisor must implement a performance improvement plan consistent with the provisions of 8 PR 025.

10 PR 085. Longevity Pay

Fulltime and part-time employees with greater than 31,200 benefit hours shall receive an annual longevity award in accordance with 18 PR 055 providing the employee receives an overall performance rating of “meets” or better on his or her review date.

10 PR 090. Temporary Assignment Pay.

(a) An hourly employee temporarily assigned the duties of a higher level position because the incumbent is on leave or the position is vacant is paid temporary assignment pay.

(b) Temporary assignment of duties under this section may not exceed two (2) weeks.

(c) An employee is not entitled to temporary assignment pay when the incumbent of the higher level position is on a scheduled day off work.

10 PR 095. Acting in a Higher Range Pay.

(a) Regular Compensation for Acting in a Higher Range

(1) When an employee is assigned to perform the duties of a higher classification under 5 PR 035, the employee shall be paid according to the DBM rating and salary schedule of the higher level position. Step placement in the higher DBM rating shall be the same as if the employee were promoted to the higher classification.

(2) An employee who is acting in a higher range is not eligible for the higher job class rate of pay when on leave. Leave time shall not reduce the overall duration of the acting in a higher range appointment.

(b) Overtime Compensation for Acting in a Higher Range Appointment. An hourly employee appointed to a higher level job class in a salaried position remains eligible for overtime pay.

(c) Overtime Compensation for a Salaried employee working in an Hourly position. A salaried employee who works, with the approval of his/her director, out of class in an hourly position and who works the majority of his or her work day performing the duties that are normally compensated at an hourly rate of pay, shall be eligible for overtime compensation for hours exceeding the thresholds defined in 10 PR 110.

10 PR 100. Shift Differentials.

An employee, paid on an hourly basis, and who is assigned to work a designated evening or night shift, shall be paid the applicable shift differential in addition to the employee's straight time rate of pay.

(a) An employee who works four (4) or more hours between 2:00 p.m. and 10:00 p.m. will be paid evening shift differential.

(b) An employee who works four (4) or more hours between 10:00 p.m. and 6:00 a.m. will be paid night shift differential

(c) Once the payment of shift differential has commenced, the employee will be paid the applicable shift differential through the conclusion of the employee's shift.

(d) Hours worked by an employee in on-call status shall not be considered shift differential hours.

(e) The hourly premium pay rate associated with shift differential is provided in 18 PR 010.

(f) An employee who has the flexibility to set their own work hours without impacting the operations of the BRH may, with supervisory approval, waive their right to applicable shift differential. The waiver must be in writing and may be cancelled with written notice at least fourteen (14) days prior to posting of the next work schedule.

10 PR 105. On-Call Pay.

(a) An employee assigned to on-call duty is paid on-call pay for each hour of on-call duty.

(b) The hourly on-call rate is provided in 18 PR 015. An employee assigned to on-call duty on a holiday is paid at one and one-half (1½) times the hourly on-call rate.

(c) If called back the employee is paid at the overtime rate and on-call pay ceases.

(e) On-call status is not credited to an employee for purposes of determining overtime eligibility, longevity increments or fringe benefits.

(e) On-call pay is available only to full-time, seasonal full-time, and part-time employees paid an hourly rate.

10 PR 110. Overtime Defined.

All overtime must be pre-approved by the employee's immediate supervisor or his or her designee.

(a) All hours worked in excess of forty (40) hours in a workweek, excluding hours paid at a premium rate of pay, is paid at the overtime rate.

(b) Only hours worked count toward the overtime threshold.

(c) Overtime pay is available only to an employee paid an hourly rate.

(d) There shall be no pyramiding or duplication of overtime pay and/or other premium compensation.

10 PR 115. Overtime Rate.

The overtime rate for an hourly paid employee is one and one-half (1 ½) times the blended rate of pay.

10 PR 120. Premium Pay

(a) Premium pay is any rate of pay other than overtime paid at the rate of one and one-half (1 ½) times the straight time rate of pay. If the total hours worked in the work day or period result in overtime, the premium hours shall be considered and paid as overtime.

(b) Premium pay is available only to an employee paid an hourly rate.

10 PR 125. Holiday Pay.

(a) An hourly employee who works on a day listed in 7 PR 075(a)(1)-(11) is paid at one and one-half (1 ½) times the employee's straight time rate of pay for hours worked.

(b) An hourly employee who works overtime as defined in 10 PR 110 on a day listed in 7 PR 075(a)(1)-(11) is paid for the overtime hours at two (2) times the employee's straight time rate of pay.

(c) An hourly employee not normally scheduled to work holidays may waive his or her right to holiday pay, and with prior written supervisory approval, work the holiday at the employee's straight time rate of pay.

10 PR 130. Report Pay

(a) Unless notified in advance, an hourly employee who reports to work as scheduled and is released for any reason other than discipline shall receive a minimum of four (4) hours pay at the employee's straight time rate of pay.

(b) An hourly employee shall not be eligible for Report Pay if the employer made reasonable attempts to contact the employee by telephone, including unanswered calls, messages left with third parties, or through an employee's voice mail account.

10 PR 135. Weekend Differential.

(a) An hourly employee scheduled to work on the weekend shall receive a weekend differential in accordance with 18 PR 030.

(b) An hourly employee who has the flexibility to set his or her own work hours without impacting business operations may, with prior written supervisory approval, waive their right to weekend differential.

(c) An employee may rescind this waiver with written notice at least fourteen (14) days prior to the posting of the next work schedule.

10 PR 140. Certification Pay.

(a) An employee, who holds a nationally recognized certification(s) that meets the criteria determined by policy, and who has worked 312 or more hours within the previous calendar year, shall be eligible for certification pay annually in accordance with 18 PR 045.

(b) To be eligible for payment, an employee holding a nationally recognized certification(s) which is not required of the position the employee holds, and for which the expenses were borne by the employee, must provide a copy of each certification and requested documentation to the Human Resources Director prior to January 1st of the first year holding such certification and after each renewal.

(c) Certification pay will be distributed the first pay period in February.

(d) An employee who receives certification pay shall work in the discipline for which they hold certification if requested to do so.

10 PR 145. Preceptor Assignment.

(a) The department director may authorize an employee who meets the criteria defined in the Preceptor Policy to serve as a preceptor.

(b) An employee who serves as a preceptor shall be compensated in accordance with 18 PR 020.

10 PR 150. Patient Transports

- (a) An employee who is selected to act as an escort for a patient who is being transported to another facility, and accompanies the patient out-of-town, shall receive eight (8) hours of pay at the employee's straight time rate per trip.
- (b) If weather conditions render it impossible for the employee to return to Juneau within twenty-four (24) hours from departure, the employee shall receive an additional eight (8) hours of pay at the employee's straight time rate for each additional twenty-four (24) hour period.
- (c) If provisions of the Fair Labor Standards Act provide a greater benefit the provisions of the Act are to be followed.

10 PR 155. Adjustments in Posted Work Schedules.

- (a) An employee who is required to report to work in advance of a scheduled shift and continues to work the scheduled shift, will be compensated for all hours worked prior to the scheduled shift in accordance with 10 PR 120.
- (b) A fulltime employee who is released from duty during a scheduled shift and asked to report for a later shift will be compensated for a minimum of four (4) hours for the scheduled shift. All hours worked during the later shift will be compensated in accordance with 10 PR 120.
- (c) An employee who is directed to delay reporting to a scheduled shift will be compensated for all hours worked outside the scheduled shift in accordance with 10 PR 120.
- (d) An employee who is required to report to work on their regular day off or during non-scheduled hours shall be compensated for a minimum of three (3) hours in accordance with 10 PR 120 providing the employee is not on-call due to a low census release. If the employee is required to report to work more than once within a given three (3) hour window the employee will be compensated for a maximum of three (3) hours unless the actual time worked exceeds three (3) hours.
- (e) An employee who is required to substantively respond by telephone or computer shall be compensated for a minimum of thirty (30) minutes. Hourly employees will be compensated for this time in accordance with 10 PR 120.
- (f) The provisions of this section, with the exception of (e), only apply to full-time and part-time employees.
- (g) In lieu of compensation under (a) – (d) above, a PRN employee will receive a PRN Premium in accordance with 18 PR 035.

10 PR 160. Total Remuneration.

No salary, wage or benefit may be paid to an employee except as provided in these rules, by ordinance or resolution of the Assembly, or as required by state or federal law.

RULE 11

LEAVE

Section

- 005. Scope**
- 010. Accrual Rates**
- 015. Personal Leave Cash-in**
- 020. Accrual During Unauthorized Leave**
- 025. Increase of Leave Accrual**
- 030. Minimum Leave Use**
- 035. Maximum Leave Carry-over**
- 040. Use of Personal Leave**
- 045. Use of Personal Leave for Holidays**
- 050. Direction to Take Leave**
- 055 Bereavement Leave**
- 060. Use of Leave to Supplement Workers' Compensation**
- 065. Leave Without Pay**
- 070. Leave of Absence**
- 075. Family/Medical Leave**
- 080. Cancellation of Leave.**
- 085. Employee Furlough**
- 090. Jury Duty Leave**
- 095. Employer Witness Duty**
- 100. Military Leave Without Pay**
- 105. Military Leave with Pay**
- 110. Emergency Service Leave**
- 115. Maximum Paid Military and Emergency Service Leave**
- 120. Educational Leave**
- 125. Professional Leave**
- 130. Donation of Leave**
- 135. Personal Leave on Separation**

11 PR 005. Scope.

This Rule covers absences from regularly scheduled work for employees with probationary or permanent full-time or part-time status or partially exempt status. Full-time seasonal, casual, casual seasonal, PRN temporary and emergency employees shall not be subject to personal leave accrual or use.

11 PR 010. Accrual Rates.

(a) The rate of accrual is determined as follows:

(1) For employees with less than 2,081 hours of employment, the total number of hours in pay status within the pay period is multiplied by .1000;

(2) For employees with 2,081 but less than 4,161 hours of employment, the total number of hours in pay status within the pay period is multiplied by .1385;

(3) For employees with 4,161 but less than 10,401 hours of employment, the total number of hours in pay status within the pay period is multiplied by .1500;

(4) For employees with at least 10,401 but less than 20,801 hours of employment, the total number of hours in pay status within the pay period is multiplied by .1615;

(5) For employees with at least 20,801 hours of employment, the total number of hours in pay status within the pay period is multiplied by .1846.

(b) Hours of employment for the purpose of computing an employee's personal leave accrual rate includes all hours an employee is compensated for, except on-call hours.

(c) Pay status for the purpose of computing pay period leave accrual includes all hours an employee is compensated for, except on-call hours.

(d) If a former employee who left in good standing returns to BRH service, the employee shall be placed at the level of leave accrual formerly held.

(e) The Chief Executive Officer may, at his or her discretion, authorize an advanced leave accrual rate.

(f) Upon appointment, Directors are advanced six (6) months (104 hours) of leave accrual. No additional leave accrual is granted until the indebtedness is satisfied.

11 PR 015. Personal Leave Cash-in.

(a) An employee who has completed his or her initial probationary period may cash in personal leave providing the employee's leave balance after the cash-in is not less than 80 hours. The Chief Executive Officer may, at his or her discretion, authorize an exception for an unforeseen hardship.

(b) A personal leave cash-in does not count toward minimum leave use requirements.

11 PR 020. Accrual During Disciplinary Leave.

Leave is not accrued for any pay period during which an employee is absent on disciplinary leave.

11 PR 025. Increase of Leave Accrual.

A change to an employee's rate of accrual is effective on the first day of the pay period following the pay period in which the employee meets the hours threshold for the next higher accrual rate.

11 PR 030. Minimum Leave Use.

(a) An employee must use not less than 120 hours of personal leave during the calendar year. Leave cashed in or donated shall not count as use for purposes of this rule. The 120 hours will be prorated for part-time employees.

(b) Minimum leave not used is deducted from the employee's leave balance on January 1st of the following calendar year unless the employee's department director certifies in writing that there was no opportunity for the employee to use the leave. An employee may not receive any credit or compensation for deducted leave.

11 PR 035. Maximum Leave Carry-over.

(a) Accrued personal leave may not exceed 750 hours on the first day of the calendar year. Leave in excess of 750 hours is paid out to the employee at his or her current base rate of pay and will be included in the employee's pay for the first pay period in January.

11 PR 040. Use of Personal Leave.

(a) Personal leave may be granted at any time the work load permits with the prior approval of the employee's supervisor.

(1) Requests for personal leave must be made no less than fourteen (14) days prior to the date the work schedule is to be posted.

(2) Employees will be notified in writing within one (1) week of submittal whether the request for personal leave is approved.

(3) Employees requesting personal leave ninety (90) or more days in advance, but no further than eleven (11) months in advance, will be notified in writing within thirty (30) days of the request whether the requested personal leave is approved.

(4) An employee who requests personal leave at least ninety (90) days in advance may rescind the approved request up to thirty (30) days after the approval. Requests to rescind approved personal leave more than thirty (30) days after approval require the department director or his or her designee's consent.

(5) Nothing in this rule prohibits a department director from establishing policy that creates restrictions on the length or amount of leave allowable due to business operational requirements. Department specific rules must be approved by the Human Resources Director.

(b) Personal leave for medical reasons may be granted if the supervisor is satisfied that:

(1) The employee is sick or disabled to the extent that the employee cannot perform regular duties;

(2) The employee's presence on the job would jeopardize the health or safety of fellow employees or patients; or

(3) The employee's presence is required to care for the employee's family member as defined in the Family and Medical Leave Act or such others as may be approved by the Human Resources Director.

(c) Personal leave may also be used for Family Medical Leave purposes consistent with the provisions of 11 PR 075.

(d) A department director may require an employee to provide a statement from a health care provider or other acceptable proof that the conditions of this section have been satisfied before authorizing use of personal leave.

(e) An employee is required to promptly advise the supervisor or department director of his or her absence and the reason for his or her absence when requesting the use of unscheduled leave.

(f) An employee may not separate from service from leave status unless extenuating circumstances exist and approval is granted by the Human Resources Director.

11 PR 045. Use of Personal Leave for Holidays

(a) An employee is required to use a day of personal leave for each designated or observed holiday unless the employee is required to work on the holiday or it is a regularly scheduled day off for the employee.

(b) An employee using personal leave on a holiday who is called into work on the holiday shall not be required to use personal leave for the hours actually worked.

(c) An employee who is not normally scheduled to work holidays may voluntarily sign a waiver and with supervisory approval, work the holiday at their straight time rate of pay in lieu of using personal leave.

11 PR 050. Direction to Take Leave

A supervisor or department director may direct an employee to use accrued leave when necessary to assure the employee uses the minimum required leave or when the employee's accumulated leave may exceed the maximum carry-over.

11 PR 055. Bereavement Leave.

- (a) When a death occurs in the employee's immediate family, upon request to the employee's supervisor, the employee may be granted a leave of absence with pay from scheduled work of up to forty (40) hours to participate in the memorial service and/or attend to the affairs of the deceased. The forty (40) hours will be prorated for part-time employees.
- (b) For an employee who must travel outside of Juneau, the leave of absence will be extended to ten (10) days. However, only the first forty (40) hours is compensated under this rule.
- (c) An employee who is on personal leave when a death occurs in his or her immediate family, may convert his or her personal leave to bereavement leave provided the employee submits a written request to his or her department director within five (5) business days of the employee's return from leave.
- (d) For purposes of this rule, immediate family member is defined as grandparent, parent, spouse, domestic partner, sibling, child, grandchild, parent-in-law, son/daughter-in-law and other relationships as may be approved by the Human Resources Director.

11 PR 060. Use of Leave to Supplement Workers' Compensation.

- (a) An employee may supplement workers' compensation payments with the use of personal leave provided the employee's net compensation does not exceed what the employee would have received had the employee worked a regular schedule.
- (b) Employees receiving workers' compensation are on leave without pay for that time covered by the payments.

11 PR 065. Leave Without Pay.

- (a) An employee may be granted leave without pay provided the leave does not adversely impact the employer's operations. Except as provided in 11 PR 075 and 13 PR 030, an employee may not take leave without pay if the employee has accrued personal leave available for use.
- (b) Leave without pay in excess of five (5) days in a calendar year must be approved by the Chief Executive Officer or his or her designee unless authorized as family/medical leave under the provisions of 11 PR 075 or bereavement leave under the provisions of 11 PR 055.

11 PR 070. Leave of Absence.

- (a) A permanent employee may be granted a leave of absence without pay for up to one (1) year for educational, sabbatical, medical, or personal reasons upon approval of the Chief Executive Officer. Accrued but unused personal leave shall be paid to the employee as a lump sum at the employee's hourly pay rate when the leave of absence begins and is subject to 11 PR 135(b).
- (b) Upon return from an approved leave of absence:
 - (1) The employee will be placed in the position he or she previously held, if vacant;

- (2) If the position the employee previously held is not vacant, the employee will be offered another vacant position in the job classification or a closely related job classification for which the employee qualifies; or
- (3) If another position in the job classification or a closely related job classification is not available, the employee will be placed in layoff status.
- (4) If the employee fails to accept the position offered, the employee will be separated.

11 PR 075. Family/Medical Leave.

The BRH complies with the Family and Medical Leave Act and the Alaska Family Leave Act.

11 PR 080. Cancellation of Leave.

The BRH retains the right to cancel pre-approved leave when circumstances require such cancellation.

11 PR 085. Effect of Leave Without Pay.

During each pay period an employee uses leave without pay, the employee accrues leave and other benefits on the same prorated basis as a part-time employee.

11 PR 090. Employee Furloughs.

The Chief Executive Officer may, at his or her discretion, authorize a period of employee furlough on a voluntary or mandatory basis to reduce the operating costs of the organization. An employee may be placed on furlough even if the employee has a personal leave balance.

11 PR 095. Jury Duty Leave.

(a) An employee called to serve as a juror on his or her regularly scheduled workday shall be paid his or her regular wage for the time spent in court or the length of the shift, whichever is less. The employee shall remit to BRH all juror fees for such service. Scheduled hours in excess of time in court may, with supervisor's approval, be taken as personal leave or leave without pay.

(b) An employee scheduled to work the evening shift may be excused from work on the day of the jury duty.

(c) An employee scheduled to work the night shift may be excused from work either the night preceding or the night immediately following serving as a juror.

(d) An employee covered under (c) of this rule who voluntarily elects to work their scheduled shift shall retain the juror fee for their service.

- (e) Court leave must be supported by written documents such as a court clerk's statement of attendance.

11 PR 100. Employer Witness Duty.

An employee called to be a witness on behalf of the employer shall be paid his or her regular wage for the time spent in preparation for and in such legal proceedings.

- (a) An employee scheduled to work the day shift may be required, at the manager's discretion, to report to work after the employee's court appearance if the day would otherwise be a normal workday for the employee. If business allows, the employee may request to use personal leave in lieu of returning to work.
- (b) An employee scheduled to work the evening shift will be reassigned to the day shift on the day of witness duty. The employee may be required, at the manager's discretion, to report to work after the employee's court appearance if the day would otherwise be a normal workday for the employee. If business allows, the employee may request to use personal leave in lieu of returning to work.
- (c) An employee scheduled to work the night shift may be excused from work on the night preceding the day of witness duty. On the day of witness duty, the employee will be reassigned to work day shift hours. The employee may be required, at the manager's discretion, to report to work after the employee's court appearance if the day would otherwise be a normal workday for the employee. If business allows, the employee may request to use personal leave in lieu of returning to work.
- (d) An employee subpoenaed for proceedings that are not on the behalf of the employer will be given release time. Such release time will be taken as personal leave or leave without pay.

11 PR 105. Military Leave Without Pay.

An employee is entitled to leave without pay to serve on active duty in the United States uniformed services and is entitled to the reemployment benefits granted under the Uniformed Services Employment Reemployment Rights Act (USERRA).

11 PR 110. Military Leave with Pay.

- (a) An employee who is a member of a reserve component of the United States uniformed services is entitled to a leave of absence without loss of pay for that time during which the employee is ordered to training duty, as distinguished from active duty, or for field exercises, for instruction with troops or when under direct military control for search and rescue missions.
- (b) An employee who is called to active duty by the governor is entitled to 5 paid work days of military leave per year (January 1 through December 31).

11 PR 115. Emergency Service Leave.

An employee who is a member of an auxiliary or rescue component of the United States armed forces or a federal, state, or local emergency services organization may be granted emergency service leave with pay for the performance of fire suppression, search, rescue or similar emergency missions under direct military, federal, state or CBJ control.

11 PR 120. Maximum Paid Military and Emergency Service Leave.

The combined total of paid military leave and paid emergency service leave for an employee may not exceed 16.5 days in a calendar year.

11 PR 125. Educational Leave

An employee, except a salaried employee, may request up to twenty-four (24) hours of paid educational leave per calendar year to attend an educational program approved by the department director. In lieu of such leave, the employee may request twenty-four (24) hours of pay for participation in an approved educational program outside of work hours. The approval of educational leave or pay is subject to budgetary considerations and scheduling requirements.

11 PR 130. Professional Leave

An employee may request up to twenty-four (24) hours of paid professional leave per calendar year to attend conferences, seminars or trade shows sponsored by a recognized professional organization. The employee must be a member of a related professional organization and the event must be related to the duties of the employee's position. The approval of professional leave is subject to budgetary considerations and scheduling requirements.

11 PR 135. Donation of Leave.

(a) An employee may donate a maximum of 30 days or 50 percent of accrued personal leave, whichever is less, provided that the donation does not reduce the employee's total leave balance to less than 80 hours.

(b) The transfer of leave may only be made:

(1) To an employee who is on leave without pay and whose absence from work is due to:

(A) Illness or injury;

(B) Illness or injury of the employee's immediate family member as defined in 11 PR 040(b)(3) and the employee's presence is required to provide care to the immediate family member;

(C) The employee is on approved military or emergency service leave per 11 PR 100.

- (2) To a member of the immediate family of a deceased employee.
- (c) Unused donated leave will be returned to the donor.
- (d) Leave donated to another employee may not be credited toward the donor's minimum leave use requirement.
- (e) Leave donated by an employee shall be given a cash value by multiplying the number of hours donated by the regular hourly pay rate of the donor. .
- (1) The cash value is given to the family of the deceased employee, or
- (2) The cash value is divided by the regular hourly pay rate of the recipient whose personal leave balance will be credited with the hours. The credited hours may not exceed the leave without pay the recipient incurred for the pay period.

11 PR 140. Personal Leave on Separation.

- (a) A permanent employee separating from employment will receive, within 30 days of separation, terminal leave in the form of a lump sum payment for the personal leave balance at time of separation providing that the employee gave proper written notice as specified in 12 PR 005(d) and the employee is not resigning in lieu of or discharged for gross misconduct or a serious infraction.
- (b) An employee reemployed ~~during terminal leave~~ who had a terminal leave cash in of 80 hours or more must refund an amount equal to 80 hours to be credited to the employees personal leave account.

RULE 12

RESIGNATION, NONDISCIPLINARY SEPARATION AND VOLUNTARY DEMOTION

Section

005. Resignation

010. Withdrawal or Amendment of Resignation

015. Non-disciplinary Separation

020. Voluntary Demotion

025. Eligibility to be Considered for Future Employment

12 PR 005. Resignation.

- (a) To resign in good standing an employee must have acceptable or better performance, comply with all exit requirements, and provide proper written notice.
- (b) An employee's performance shall be considered acceptable or better if:
 - (1) A permanent employee's last performance evaluation of record indicates an overall rating of "meets" or better, or

- (2) A probationary employee's progress on his or her training plan was satisfactory.
- (c) An employee shall be considered to have complied with exit requirements provided the employee returns all of the BRH's property and completes other security exit requirements prior to separation.
- (d) Proper written notice must be provided to the department director in advance of separation from service according to the following provisions:
 - (1) Employees in decision bands A through C must provide written notice at least 2 weeks prior to the effective date.
 - (2) Employees in decision bands D and above must provide written notice at least 4 weeks prior to the effective date.
 - (3) A resignation must contain:
 - (A) The date it is written;
 - (B) An unequivocal statement that the employee is separating from employment;
 - (C) An effective date which is the employee's last day of work; and
 - (D) The employee's signature.
 - (e) The department director may waive the advance notice requirement at his or her discretion.
 - (f) An employee who does not resign in good standing shall not be eligible for reemployment under the provisions of 5 PR 060.

12 PR 010. Withdrawal or Amendment of Resignation.

- (a) An employee, with the approval of the department director, may withdraw a resignation at any time prior to the selection of a replacement employee.
- (b) An employee, with the approval of the department director, may change the effective date of a resignation.

12 PR 015. Non-disciplinary Separation.

- (a) A department director may order non-disciplinary separation of an employee if the employee:
 - (1) Does not request, is denied, is ineligible for, or exhausts all available leave and fails to appear for work;
 - (2) Fails to respond to a notice requiring an indication of an intention to return to work;

(3) Becomes unqualified for or is unable to perform one or more essential functions of the position;

(4) Has completed temporary or emergency service; or

(5) Fails to successfully complete the probationary period due to less than acceptable performance.

12 PR 020. Voluntary Demotion.

(a) A permanent or probationary employee may request a voluntary demotion.

(b) The request must be presented to the department director in writing. The decision to authorize a voluntary demotion is at the discretion of the department director.

(c) A demoted probationary employee will complete the remainder of the original probationary period in the lower classification unless the probationary service exceeds the normal probationary period for the lower classification. If the probationary service exceeds the normal probationary period for the lower classification the employee must serve an additional month of probation.

12 PR 025. Eligibility to be Considered for Future Employment.

(a) An employee who separates from service is eligible to be considered for future employment with the BRH unless otherwise specified.

(b) An employee who is separated from service with a less than acceptable work habit or a job attribute shall not be considered for future employment with the BRH unless the individual can demonstrate that he or she has satisfactorily worked for another employer(s) for a minimum of two (2) years. The subsequent employer(s) must verify that the undesirable work habit or job related attribute has been corrected.

(c) An employee who is separated from service with less than acceptable job performance shall not be considered for future employment with the BRH in the same job class or in a closely related occupational area unless the individual can demonstrate that he or she has satisfactorily performed similar work at a fully acceptable level for another employer for a minimum of two (2) years.

(d) An employee who is separated from service under the provisions of 13 PR 045 for misconduct will not be considered for future employment with the BRH.

(e) An employee who resigns in lieu of dismissal or during the course of an investigation into an allegation of employee misconduct that, if proven true, would lead to dismissal, will not be considered for future employment with the BRH.

(f) The employee will be notified upon separation of his or her eligibility for future employment.

(g) An individual certified as non-eligible to be considered for future employment under the provisions of (d) through (e) above may, after a period of five years, make a written appeal to the Chief Executive Officer to have his or her status reversed. The Chief Executive Officer will respond in writing to the individual requesting reconsideration. The decision of the Chief Executive Officer shall be final.

RULE 13

DISCIPLINARY ACTIONS

Section

005. Scope

010. Purpose

015. Predisciplinary Investigations

020. Predisciplinary Conference

025. Warning

030. Suspension

035. Step Reduction

040. Demotion

045. Dismissal

13 PR 005. Scope.

This Rule applies only to the classified service.

13 PR 010. Purpose.

The purpose of disciplinary action is to remedy unacceptable performance or conduct. Supervisors should impose discipline in steps of gradually increasing severity unless the performance or conduct warrants the immediate application of severe action. In general, the progression of disciplinary actions should be as follows: written warning, suspension, dismissal. Other sanctions may be imposed as warranted to address particular deficiencies. Documented verbal warnings and performance improvement plans are not considered disciplinary actions.

13 PR 015. Predisciplinary Investigations.

(a) In consultation with the Human Resources Director, a supervisor, or other representative of the BRH, must conduct a fact finding investigation when there is an allegation of misconduct involving a permanent employee and that employee may be subject to disciplinary action if such allegation is sustained.

(b) Such investigation shall be conducted in a thorough, fair and unbiased fashion. During the course of the investigation, the fact finder shall make reasonable attempts to gather all relevant facts and evidence and shall interview witnesses as appropriate.

(c) The permanent employee who is the subject of the investigation shall be interviewed. During the interview, the employee may have representation if he or she desires. If the employee is represented by a union, such representation shall be limited to an authorized representative of the union.

13 PR 020. Predisciplinary Conference.

(a) A permanent employee subject to a suspension, step reduction, demotion or dismissal must be afforded the opportunity for a conference before the disciplinary action is effective.

(b) The purpose of the conference is to allow the employee and management personnel to review the facts relating to the proposed disciplinary action.

13 PR 025. Warning.

(a) A supervisor, in consultation with the Human Resources Director, may for cause, after a pre-disciplinary investigation, issue a written warning to an employee. The warning must be discussed with the employee.

(b) A copy of the warning with any reply from the employee will be filed with the Human Resources Director.

(c) A letter of warning is not subject to the grievance procedure.

13 PR 030. Suspension.

(a) A department director, in consultation with the Human Resources Director, may for cause, after pre-disciplinary investigation, and pre-disciplinary conference if requested, suspend an employee without pay.

(b) The reason for the suspension will be given to the employee in writing and a copy filed with the Human Resources Director.

(c) The period of suspension will be treated as leave without pay for other purposes of these Rules including the effect on leave accrual, anniversary dates, and health insurance premiums.

13 PR 035. Step Reduction.

(a) A department director, in consultation with the Human Resources Director, may for cause, after pre-disciplinary investigation, and pre-disciplinary conference if requested, reduce by one step the placement of a permanent employee who is placed at other than the lowest step.

(1) The reason for the reduction will be given to the employee in writing and a copy filed with the Human Resource Director.

(2) The period the employee serves at the lower step may not exceed 1040 hours without review.

(3) The employee must be provided a performance improvement plan in accordance with 8 PR 025.

(b) An employee is subject to further step reduction or other disciplinary action if the employee fails to correct less than acceptable performance or repeats unacceptable behavior during the period of step reduction.

(c) A department director shall restore salary steps in accordance with 10 PR 085 when the employee receives an overall performance evaluation rating of “3” or better when the unacceptable behavior has been corrected.

13 PR 040. Demotion.

(a) A department director, in consultation with the Human Resources Director, may for cause, after pre-disciplinary investigation, and pre-disciplinary conference if requested, demote an employee.

(b) The reason for the demotion will be given to the employee in writing and a copy filed with the Human Resources Director.

13 PR 045. Dismissal.

(a) A department director, in consultation with the Human Resources Director, may for cause, after pre-disciplinary investigation, and pre-disciplinary conference if requested, dismiss a permanent employee.

(b) The reasons for the dismissal and the effective date will be given to the employee in writing. A copy will be filed with the Human Resources Director.

RULE 14

REDUCTION IN WORK FORCE

Section

005. Scope

010. Layoff

015. Criteria

020. Methodology

025. Notification

030. Layoff Rights

035. Forfeiture of Layoff Rights.

14 PR 005. Scope.

This rule covers separation of employees in the classified service due to a reduction in the number of positions in a particular classification.

14 PR 010. Layoff.

(a) The Chief Executive Officer may lay off a permanent or probationary full-time, part-time or full-time seasonal employee by reason of abolition of position, shortage of work or funds or other reasons outside the employee's control. A layoff does not reflect discredit on the service of the employee.

(b) No permanent or probationary employee may be laid off while there are emergency or temporary employees serving in the same classification.

14 PR 015. Criteria.

Layoff will be by department and classification with exceptions for bona fide occupational specialties which are consistent with job practices and the position description.

14 PR 020. Methodology.

(a) The order of layoff will be determined by computing points based on the employee's length of service as defined by benefit hours and performance. Employees with the least points within each classification will be laid off first. In the event of tied scores the employee with the least service will be laid off first. In the event of tied scores and identical service, layoff will be determined by lot.

(b) Total employee points are the product of the length of service and the average of the three most recent performance evaluations. When a performance evaluation does not exist, employee points will be determined by crediting one point for each full month of service.

(c) Length of service will be determined by total uninterrupted service as a permanent or probationary employee counted in hours. Leave without pay will not be counted. Full time equivalencies will be determined for service that is less than full time. Partial weeks will be rounded to the nearest whole week. Length of service will be calculated as of the first day of the week in which the Chief Executive Officer issues the layoff notice.

(d) Each of the three most recent performance evaluations is assigned a point value.

(1) An overall rating of "Outstanding" (5) will receive 1.3 points.

(2) An overall rating of "Exceeds" (4) will receive 1.2 points.

(3) An overall rating of "Meets" (3), will receive 1.0 points.

(4) An overall rating of "Needs Improvement" (2) will receive 0.3 points.

AU

(5) An overall rating of "Unsatisfactory" (1) will receive 0.0 points.

14 PR 025. Notification.

(a) An employee who is laid off will receive a minimum of 30 days written notice from the Chief Executive Officer. This notice will include the following:

(1) The date on which coverage under the health insurance plan will cease and an explanation of options for continuing coverage. The employee will be allowed up to one (1) hour of scheduled duty time to discuss health insurance options,

(2) The employee will be allowed up to one (1) hour of scheduled duty time to discuss public employees retirement system options, and;

(3) The employee will be allowed one (1) hour of scheduled duty time to register for work with the Alaska Employment Service Office, and;

(4) The employee will be allowed to attend job interviews, upon request and approval from their supervisor, with any BRH department, the City and Borough of Juneau and the School District during scheduled duty time, and;

(5) The employee will be allowed up to four (4) hours of scheduled duty time to attend job interviews with employers, other than those listed in (4) above, which cannot be scheduled at other times.

(b) A seasonal employee may be notified in writing of an impending layoff while on seasonal leave without pay. Such notice shall be given to the seasonal employee as soon as practicable, but at least 30 days prior to the seasonal employee's scheduled return date or 30 days prior to the date of the layoff whichever is later.

14 PR 030. Layoff Rights.

(a) Layoff status and rights of a maximum of twenty-four (24) months shall be provided to permanent employees. For purposes of this section, "permanent employee" includes employees who are probationary in their current job classification but have attained permanent status in a previously held job classification. If the employee is not reappointed during this period, the employee will be separated in good standing. During the period of layoff the following rights exist:

(1) At the time of layoff the employee will receive payment for all personal leave.

(2) Any vacant position for the employee's job classification which occurs during the layoff period will be offered first to those employees on layoff status, with exceptions for occupational specialties. The position will be offered first to the employee with the highest number of points in the job classification.

(3) To be reappointed, an employee on layoff status must meet the licensing and certification required of other incumbents in the classification.

(4) An employee on layoff status may apply for any position as a current employee. Applicants on layoff status will receive particular consideration. The Human Resources Director must require written justification to fill a vacant position with someone other than an employee on layoff status in a related job classification.

(5) An employee on layoff status may, without forfeiting layoff rights, accept any emergency, temporary, permanent non-benefited position or any permanent position in which the salary is less than the employee's salary before layoff.

(6) When an employee on layoff status is appointed to a permanent position in the employee's former job classification, the employee will resume employment with the same status, range and step held at the time of layoff.

(7) When an employee on layoff status is offered appointment to a closely related classification, the department director and the Human Resources Director shall determine the employee's status. The department director shall inform the employee of the proposed status prior to the appointment becoming effective.

(b) When an employee on layoff status accepts an appointment to an unrelated job classification, a probationary period must be served.

(c) When an employee on layoff status is appointed to a permanent position, the period of layoff will be recorded as leave without pay.

14 PR 035. Forfeiture of Layoff Rights.

(a) When an employee on layoff status refuses or fails to respond to a written offer of appointment to a benefited position in the employee's former classification within 10 days, layoff status is ended and the employee will be separated in good standing.

(b) When an employee on layoff status fails to respond within 10 days to a written inquiry relating to availability for appointment, layoff status is ended and the employee will be separated in good standing.

(d) An employee may sever layoff rights at any time through the submittal of a written resignation. At such time as a written resignation is received, layoff status is ended and the employee will be separated in good standing.

RULE 15 GRIEVANCE AND APPEAL PROCEDURE

Section

005. Scope and Purpose

010. Representation

015. Duty Time

020. General Grievance Procedure
025. Dismissal, Demotion, or Suspension over 10 Days
030. Appeals to Personnel Board

15 PR 005. Scope and Purpose.

- (a) This Rule applies only to employees in the classified service who are not represented by a collective bargaining agreement.
- (b) The purpose of this rule is to resolve disputes and grievances informally and at the lowest level possible.
- (c) No act of reprisal may be taken against an employee for the good faith use of this Rule.

15 PR 010. Representation.

The employee may select a representative to assist in the presentation of a grievance or appeal. The employee shall provide written notice of the representative's name and telephone number to the supervisor, the department director, or the Chief Executive Officer, in addition to the Human Resources Director, as appropriate.

15 PR 015. Duty Time.

The employee will be given a reasonable amount of regularly scheduled duty time to meet with management or the Personnel Board to present and resolve the employee's grievance or appeal. The employee will not be compensated for time spent on the grievance or appeal outside of regularly scheduled duty time.

15 PR 020. General Grievance Procedure.

- (a) An employee with a grievance regarding working conditions or employment may pursue it as set forth in subsection (b) subject to the limitations set forth in subsection (c):
 - (b) Procedures.
 - (1) The employee shall present the grievance to the immediate supervisor within seven (7) days of becoming aware of the action being grieved.
 - (2) The supervisor and the employee shall attempt to informally resolve the grievance within seven days of the presentation of the grievance. Resolutions may not conflict with the personnel rules or applicable laws, regulations, or policies and shall not be precedential. If the resolution of the grievance is not acceptable to the employee, then
 - (3) The employee shall, within twenty-one (21) days of becoming aware of the action being grieved, reduce the grievance, including the relief sought, to writing and present it to the

department director. The employee and the department director shall meet to discuss the grievance if either party believes such a meeting will be beneficial.

(4) The department director shall respond to the grievance in writing within fourteen (14) days of the grievance meeting or within fourteen (14) days of notification that the grievance meeting will not be held. If the decision of the department director is not acceptable to the employee, then

(5) The employee shall present the grievance to the Chief Executive Officer within seven (7) days, including a written statement explaining why the decision is not acceptable.

(6) The Chief Executive Officer shall respond to the grievance within fourteen (14) days. The decision must be in writing and include the Chief Executive Officer's findings, conclusions and disposition of the grievance. The Chief Executive Officer's decision shall be final.

(7) If the employee fails to meet the time limits set out in this grievance procedure, the grievance will not be considered further.

(8) If the BRH fails to meet the time limits set out in this grievance procedure, the employee may advance the grievance to the next step in the procedure subject to the limitations in the section concerning appeals to the Board.

(9) The parties may agree to extend the time limits at any step of this procedure. Any agreement to extend the time limits must be in writing signed by both parties.

(c) Limitations.

(1) No employee may use this section to grieve a dismissal, demotion, or suspension of more than ten (10) working days.

(2) Only permanent employees may use this section to grieve a suspension ten (10) working days or less.

(3) Emergency, temporary, casual and PRN employees may not use this section.

(4) The grievance procedure may not be used to determine the appropriate classification of a position.

15 PR 025. Dismissal, Demotion, or Suspension over Ten (10) Working Days.

(a) An employee with permanent status who is dismissed, demoted, or suspended for more than ten (10) working days in alleged violation of these Rules, may pursue a grievance concerning any of these actions as follows:

(1) The employee shall, within seven (7) days of written notification of the action, file a written grievance with the Chief Executive Officer setting forth the reasons for the grievance and stating

the relief sought. If the employee fails to file a written grievance within this seven (7) day period, the grievance will not be considered further.

(2) The Chief Executive Officer shall respond to the grievance within twenty-eight (28) days. The decision must be in writing and include the Chief Executive Officer's findings, conclusions and disposition of the grievance.

(3) The Chief Executive Officer may appoint a hearing officer to investigate the grievance and recommend to the Chief Executive Officer findings, conclusions and disposition of the grievance.

(4) If the decision of the Chief Executive Officer is not acceptable to the employee, or if the Chief Executive Officer does not respond in writing within twenty-eight (28) days, the employee may appeal to the Personnel Board subject to the limitations in the section concerning appeals to the Personnel Board.

(5) The parties may agree to extend the time limits at any step of this procedure. Any agreement to extend the time limits must be in writing signed by both parties.

15 PR 030. Appeals to Personnel Board.

An employee with permanent status may appeal a decision of the Chief Executive Officer to the Personnel Board if the employee's appeal concerns a dismissal, demotion, or suspension over ten (10) working days.

(a) The employee shall file the written notice of appeal with the City Clerk within seven days of the decision of the Chief Executive Officer, or within seven (7) days of the expiration of the time limit for the Chief Executive's response, as applicable. The grievance must state the relief sought and the identity and telephone number of the employee's representative, if any. An employee who fails to file a notice of appeal within the applicable seven (7) day period shall have waived the right to appeal the decision of the Chief Executive Officer.

(b) The City Clerk shall notify the Personnel Board and the Human Resources Director of the filing of the notice of appeal within two (2) days, excluding Saturdays, Sundays and those holidays listed in these Rules.

(c) The employee filing the appeal shall have the burden of proving by a preponderance of the evidence why the relief sought should be granted.

(d) The Personnel Board shall conduct its meetings and hearings according to the Alaska open meetings law, AS 44.62.310. The City Clerk shall notify in writing all parties and their representatives of all meetings and hearings of the Personnel Board on an appeal. The City Clerk shall provide public notice of all meetings and hearings of the Personnel Board as required by law.

(e) The Personnel Board will meet within seven (7) days of receiving notice of the appeal from the City Clerk to determine the adequacy of the grievance record. If the Personnel Board determines that the record is inadequate, it will remand the appeal to the Chief Executive Officer for further

development of the record. The Personnel Board will identify the deficiencies and establish a date when the supplement to the record is due. The supplement to the record must be provided to the Personnel Board, the employee, and the employee's representative. The Personnel Board will schedule an appeal hearing to be held within fourteen (14) days after the date the supplement to the record is due.

(f) If the Personnel Board determines that the grievance record is adequate, the Personnel Board shall schedule a hearing to be held within fourteen (14) days. At the hearing, the Personnel Board will review the record and consider the presentations of both parties. The parties may not introduce new evidence at the hearing. An electronic record of the hearing must be made. Persons with relevant knowledge of the issues presented by the employee's appeal may give testimony at the hearing. The Personnel Board may require the employee and the Chief Executive Officer, or their representatives to exchange witness lists within a stated period of time prior to the hearing. The employee, the employee's representative, the Chief Executive Officer, and the Chief Executive Officer's representative, may examine and cross-examine any witness with respect to facts which are material and relevant to the issues involved. The Personnel Board shall be responsible for the conduct of the hearing and may determine the order of the presentation of evidence, subpoena BRH officers and employees and other persons to testify and to produce documents and other evidence, examine or cross-examine the employee and other witnesses, and determine the desirability of or necessity for prehearing or post hearing briefs or memoranda. All testimony taken at the hearing shall be under oath.

(g) The hearing need not be conducted according to the technical rules of evidence. The Personnel Board may admit any relevant evidence if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs. Hearsay evidence may be used to supplement or explain direct evidence but will not be deemed sufficient by itself to support a finding. Evidence determined by the Personnel Board to be unnecessarily cumulative or neither likely to prove nor disprove a fact in issue may be excluded upon the objection of the employee, the Chief Executive Officer, their representatives, or the Personnel Board.

(h) The Personnel Board will submit its written decision, including findings and conclusions, to the employee, the Chief Executive Officer and their representatives within fourteen (14) days of the hearing. The Personnel Board's decision shall be final and binding.

(i) The time limits established in this section may be extended by the Personnel Board if it is determined that they result in undue inconvenience or hardship for either party or the Personnel Board.

RULE 16

STANDARDS OF CONDUCT

Section

005. Political Activity

010. Employment Advantage

015. Political Contributions

020. Political Endorsements

- 025. Nominations and Candidacy**
- 030. Other Employment**
- 035. Employment Discrimination**
- 040. Harassment**
- 045. Fair Opportunity**
- 050. Nepotism**
- 055. Drug Free Workplace**
- 060. Effects of Violations of Federal or State Laws**
- 065. Dress Code**
- 070. Identification**
- 075. Tobacco-free Campus and Vehicles**
- 080. Use of BRH Assets**
- 085. Use of Cell Phones in Vehicles**
- 090. Influenza Vaccinations**
- 095. Safety**
- 100. Conscientious Objection**
- 105. Violations of Standards of Conduct**

16 PR 005. Political Activity.

(a) An employee may not while on duty or in a BRH facility, unless participating in a public forum, advocate voting for or against a candidate for federal, state or municipal office, or a federal, state or municipal ballot issue by displaying, posting, and/or distributing buttons, leaflets, posters, or other materials. BRH bulletin boards, union bulletin boards, BRH internet, and BRH e-mail are included in this rule.

(b) Nothing in this rule shall prevent an employee, while on duty, from preparing and distributing information approved by the City Manager or the Chief Executive Officer regarding ballot issues.

16 PR 010. Employment Advantage.

An employee or applicant for employment may not offer, give, solicit or accept any money, service or valuable consideration in circumstances in which it could reasonably be expected to influence an employment decision.

16 PR 015. Political Contributions.

(a) No employee or other person may require contributions or services from an employee for any candidate, political party, political action committee or ballot issue.

(b) No employee or other person may solicit any contributions or services on behalf of any candidate, political party, political action committee or ballot issue from any employee during working time.

16 PR 020. Political Endorsements.

A person may not seek or attempt to use political endorsement to influence an appointment or employment advantage.

16 PR 025. Nomination and Candidacy.

(a) An employee who files a declaration of candidacy for election to the Assembly must immediately resign employment. The employee's position becomes vacant on the first working day following the date the declaration is filed.

(b) An employee who seeks nomination or becomes a candidate for elective government office other than the Assembly shall resign or take leave when the department director determines that this activity interferes with the employee's work.

16 PR 030. Other Employment.

An employee may not engage in or accept other employment or service for compensation unless the employee has notified the department director and the City Attorney in writing of the nature and extent of that outside activity. The department director and/or the City Attorney will respond back to the employee if there may be a conflict of interest, or incompatibility with BRH employment.

16 PR 035. Employment Discrimination.

(a) No person may be discriminated against in any appointment, employment or promotion for a reason not related to merit.

(b) No action affecting the status of employment or consideration of an applicant may be taken other than those based on the individual's knowledge, skill, ability and willingness to discharge the duties and accept the responsibilities of the position.

16 PR 040. Harassment.

Unwanted conduct or communication by a supervisor, co-worker or other person which is not based on job related factors and adversely affects the employment relationship or working environment is prohibited. BRH Policies on Sexual Harassment and Workplace Violence Prevention are hereby incorporated by reference.

16 PR 045. Fair Opportunity.

(a) No person may make any false statement, certification, rating or report in regard to any examination, selection or appointment.

(b) No person may obstruct another's right to examination, selection or appointment.

16 PR 050. Nepotism.

(a) A person may not be employed when that person is related by blood, marriage, or domestic partnership to an employee within and including the second degree of kinship if a direct supervisory or direct working relationship would exist. A direct working relationship is one in which one employee approves, directs or reviews the work of another employee.

(b) The Chief Executive Officer may authorize the temporary assignment of a current employee to a position that would create a direct supervisory or direct working relationship with another employee related by blood, marriage, or domestic partnership when a critical need relating to patient care or operations exists.

16 PR 055. Drug Free Workplace.

(a) An employee may not unlawfully manufacture, distribute, possess, use or be under the influence of controlled substances at the workplace or while on duty.

(b) An employee may not use or be under the influence of beverage alcohol at the workplace or while on duty.

(c) An employee under the influence of a prescription or non-prescription medication may not undertake a work activity if the medication could impair the employee's ability to safely perform the activity.

16 PR 060. Effects of Violations of Federal or State Law.

(a) An employee who receives a citation requiring a court appearance, or who is charged, arrested or convicted, for a misdemeanor or felony, must report the citation, charge, arrest, or conviction to the employee's department director within one working day. An employee who fails to report such citation, charge, arrest or conviction may be subject to disciplinary action, up to and including dismissal. Conviction includes a plea of guilty as part of a plea agreement or after trial, or a nolo contendere plea.

(b) An employee who violates a federal or state law or regulation may be subject to disciplinary action up to and including dismissal if the violation is a barrier crime as defined in 7 AAC 10.905 or there is a clear nexus between the offense and the employee's duties, if a violation impairs the employee's ability to perform the duties of their position, or if the action adversely affects the BRH.

16 PR 065. Dress Code.

BRH policy on Personal Appearance Guidelines is hereby incorporated by reference.

16 PR 070. Identification.

All employees must wear a visible BRH photo identification card when working.

16 PR 075. Tobacco-free Campus and Vehicles.

Smoking is prohibited on the BRH Campus and in BRH vehicles pursuant to AS 18.35.

16 PR 080. Use of BRH Assets.

(a) BRH assets include, but are not limited to:

(1) Facilities, equipment, vehicles or tools.

(2) Computers, servers, computer networks, software, e-mail accounts, or internet regardless of the method, time or place of access.

(3) Phones, cell phones, facsimile machines, radios or voice mail.

(4) Xerox machines, or other office equipment.

(5) Any other asset that is the property of the BRH.

(b) An employee may not use any BRH assets for personal gain.

(c) An employee may not use a BRH asset to:

(1) Defame, discriminate, or harass a co-worker or member of the public;

(2) Access or distribute obscene or pornographic materials;

(3) Violate a federal, state, or local law in any jurisdiction; or

(4) Represent the BRH in any forum unless such representation is within the official and sanctioned capacity of the employee's duties.

(d) De-minimus use of BRH assets for personal reasons are acceptable provided such use is not in conflict with the rest of this rule or any other BRH policy, and the use of the asset does not interfere with the employee performing his or her regular duties.

(e) Any question regarding whether or not the use of a BRH asset is appropriate should be referred to the employee's supervisor.

(f) A department director may impose other reasonable restrictions on the use of BRH assets.

(g) The BRH retains the right to access any BRH computer or BRH e-mail account used by an employee at any time. An employee has no expectation of privacy related to any communication that is created, sent or received via electronic medium from a BRH computer or a BRH e-mail account. Documents created, sent or received in conjunction with an employee's duties may be subject to disclosure under the Public Records Act.

16 PR 085. Use of Cell Phones in Vehicles.

Except in an emergency situation, an employee may not use a cell phone while driving a BRH vehicle, or while operating a personal vehicle while on BRH business.

16 PR 090. Safety.

Safety and equipment standards shall be in conformance with applicable state and federal law and/or regulation and Employer requirements. Failure to follow safety directives or to use safety equipment may result in discipline up to and including dismissal.

16 PR 095. Influenza Vaccinations.

Employees who have not received an influenza vaccination prior to the start of the influenza season shall wear facemasks during the influenza season. The Employer will endeavor to provide an influenza vaccination to employees by September 15th of any given year. Such vaccination shall be provided at no cost to the employee. The employer shall designate what constitutes influenza season based on CDC reports and clinical evidence.

16 PR 100. Conscientious Objection.

(a) Except in emergencies, no employee shall be required to perform or assist in the performance of any treatment or procedure that violates the employee's previously stated religious or ethical beliefs.

(b) An employee, upon being offered or assigned a specific position in which participation in such treatment or procedure may occur, shall provide written notice to the department director of any limitation his or her religious or ethical beliefs may place upon his or her ability to perform the duties of the position.

(c) The department director shall review the written notice provided by the employee and may, if deemed necessary for business and patient care considerations, assign the position to another employee.

(d) Expressing conscientious objection shall in no way affect the employee's performance rating or, except as necessary to accommodate the employee's previously stated beliefs, promotional opportunities.

16 PR 105. Violations of Standards of Conduct.

An employee who violates BRH standards of conduct may be subject to discipline up to and including dismissal.

RULE 17
GENERAL PROVISIONS

Section

005. Personnel Actions

010. Personnel Records

015. Continuation of Health Insurance

020. Licensed Employees

025. Wearing of Uniforms

030. Floating

17 PR 005. Personnel Actions.

The following actions affecting an employee in the classified or partially exempt service must be in writing and a record of the action maintained: appointment, separation, change of position, change of pay, change of status, and disciplinary actions impacting pay.

17 PR 010. Personnel Records.

(a) Personnel records are confidential and are not open to public inspection except as provided in this section.

(b) All requests for release of personnel records shall be submitted to the Human Resources Director. The director or the director's designee shall review the requests and approve the release of information as authorized in this section. Personnel records authorized for release shall be available for inspection subject to reasonable restrictions on the time and manner of inspection.

(c) The following information is available for public inspection:

(1) The names and classification titles of all employees,

(2) The position held by an employee,

(3) Prior BRH positions held by an employee,

(4) Whether an employee is in the classified or partially exempt service,

(5) The dates of appointment and separation of an employee,

(6) The wages paid to an employee, and

(7) Applications for positions in the partially exempt service except for address, social security number, date of birth, personal telephone numbers, and Equal Employment Opportunity information.

(d) Personnel records not open to public inspection are released only under the following conditions:

(1) An employee or former employee may examine his or her own personnel records, with the exception of selection information deemed confidential under these Rules, and may give written authorization to others to examine these records; and

(2) BRH employees with a direct supervisory relationship with the employee may examine the employee's personnel records. Access to personnel records may be granted only for purposes related to the BRH's Human Resource system.

(e) In the absence of written authorization from the employee or former employee:

(1) Personnel records are released only to federal, state or BRH officials authorized by law to review the records; or

(2) Personnel records may be released upon receipt of an order of a court of competent jurisdiction.

17 PR 015. Continuation of Health Insurance.

(a) An employee covered by health insurance who is on leave without pay because of an on-the-job incident covered by workers' compensation will continue to be covered by health insurance pursuant to the terms of subsection (d).

(b) The family of a deceased employee covered by health insurance will continue to be covered by health insurance for the remainder of the month of the employee's death unless the death is because of an accident on the job and health insurance is not provided to the family by the Public Employees Retirement System. In the latter case, health insurance is provided for 52 weeks following the date of the employee's death.

(c) An employee covered by health insurance who is on authorized leave without pay may continue coverage by paying the employer's portion of the health insurance premium on a prorated basis.

(1) The employee shall pay a prorated portion of the employer's contribution to the health insurance premium beginning on the second day of authorized leave without pay status.

(2) An employee on authorized leave without pay for longer than 30 days shall have the option to waive his or her health insurance for the duration of leave without pay.

(3) An employee who is on furlough shall pay a prorated portion of the employer's contribution to the health insurance premium beginning on the fifteenth consecutive day of furlough status.

(d) An employee covered by health insurance who is on Family/Medical Leave will be covered by health insurance for the entire 12 weeks of absence permissible in a 12-month period even if the employee is on leave without pay.

(e) An employee who is called to active uniformed service shall have the employer's portion of the employee's health insurance premium covered for the first 30 days of military leave.

(f) An employee who is in leave without pay status due to a disciplinary action shall be required to pay a prorated portion of the employer's health insurance premium costs beginning with the first hour of leave without pay.

17 PR 020. Licensed Employees.

An employee in a position for which a license, registry, or certification is required shall notify the Department Director or the Human Resources Director in accordance with the applicable policy if that license, registry, or certification is suspended, revoked, expired or withheld.

17 PR 025. Wearing of Uniforms.

Uniform items identifying an individual as a BRH employee may only be worn while performing assigned job duties, when traveling directly from place of residence to work and when traveling directly from work to place of residence.

17 PR 030. Floating.

(a) An employee shall not be required to float to an area in which he or she does not have the necessary skills, timely orientation, or ability to perform the duties assigned.

(b) An employee required to float shall receive timely orientation appropriate to the assignment. Orientation will be dependent upon the employee's previous experience and familiarity with the task to which such employee is assigned.

**RULE 18
COMPENSATION AND REIMBURSEMENTS**

Section

005. Pay Schedules

010. Shift Differentials

015. On-call Rate

020. Preceptor Rate

025. Casual Differential

030. Weekend Differential

035. PRN Premium Rate

040. PRN Differential

045. Certification Pay

050. Temporary Assignment Pay

055. Longevity Pay

060. Health Benefits and Employee Wellness

065. Travel Reimbursement

- 070. Mileage and Vehicle Allowance**
- 075. Reimbursement of Interview Travel Expenses**
- 080. Relocation Expense**
- 085. Repayment to Employer**

18 PR 005. Pay Schedules.

The pay schedules attached as Appendix I shall be effective on the date shown thereon.

18 PR 010. Shift Differentials.

Shift differential, as defined in 10 PR 100, shall be compensated at the following rates: evening shift differential is \$2.00 per hour; night shift differential is \$3.75 per hour.

18 PR 015. On-call Rate.

The on-call rate, as defined in 10 PR 105, is \$4.00 per hour.

18 PR 020. Preceptor Rate.

Preceptor pay, as defined in 10 PR 145, is \$2.00 per hour.

18 PR 025. Casual Differential.

Casual differential, as defined in 5 PR 030(a)(4), is \$2.00 per hour.

18 PR 030. Weekend Differential.

Weekend differential, as defined in 10 PR 135, is \$4.00 per hour.

18 PR 035. PRN Premium Rate.

PRN premium pay, as defined in 10 PR 155(g), is \$5.00 per hour.

18 PR 040. PRN Differential.

PRN differential, as defined in 5 PR 030(a)(6), is:

- (a) 10% of current step for a PRN – Nurse I;
- (b) 20% of current step for a PRN – Nurse II;
- (c) 25% of current step for a PRN – Nurse III; and
- (d) 25% of current step for other PRN employees.

18 PR 045. Certification Pay.

Certification pay, as defined in 10 PR 140, is:

- (a) \$400.00 for the first certification;
- (b) \$350.00 for the second certification; and
- (c) \$250.00 for the third certification.

18 PR 050. Temporary Assignment Pay.

Temporary Assignment Pay, as defined in 10 PR 090, is \$2.00 per hour.

18 PR 055. Longevity Pay.

Longevity Pay, as defined in 10 PR 085, is:

- (a) \$750 annually for 31,200 hours up to 41,600 hours;
- (b) \$1,000 annually for 41,601 up to 51,999 hours; and
- (c) \$1,500 annually for 52,000 hours and above.

18 PR 060. Health Benefits and Employee Wellness.

The BRH maintains a health benefit and employee wellness program for its employees on a defined contribution basis.

(a) The BRH provides a tiered health insurance employee benefit to eligible employees. Eligible employees pay, by payroll deduction, any difference between the BRH's contribution and the amount required to provide the coverage elected by the employee under the tiered benefits program, except that the employer shall cover the full premium contribution for the employee only economy plan.

(b) An employee who participates in the Healthy Rewards program will receive a \$50.00 per pay period reduction in his or her health insurance premium contribution rate. Participation will be tracked on a yearly basis and the premium reduction will be effective the next plan year. For example, participation in plan year 2012 would result in a premium reduction for plan year 2013. The criteria established for the Healthy Rewards program is subject to modification by the CBJ in consultation with the Health Benefits Committee.

(c) The eligibility of the employees and their dependents for coverage and the precise benefits to be provided shall be as set forth in the insurance benefit plan written and maintained by the CBJ for that purpose.

(d) Eligible part-time employees shall be provided the option of participating in the group insurance plan.

(e) An employee may elect to opt out of the health benefit program providing the employee submits annual documentation that verifies coverage under another insurance plan that is at least equal to the employee only economy tier.

(f) When an employee leaves employment due to termination, resignation or lay off, health insurance coverage ends at 12:01 a.m. on the day following the last day of pay status.

(g) When an employee is on Leave Without Pay while on Family/Medical Leave, the provisions of the Family/Medical Leave policy which maintain health benefit coverage remain in effect and the employee contribution remains unchanged.

(h) The CBJ maintains a Health Benefits Committee, which is made up of members that represent the different groups that are part of the health benefits plan. The Committee will meet at least quarterly to review progress of cost containment efforts, review the administrative company's performance and offer suggestions regarding other options concerning employee health insurance. The Committee will develop checks and balances on plan adjustments with the goal of maintaining the relative cost and value of the tiers. This committee may also develop, implement and evaluate Wellness Program activities and services and review the effectiveness of the Employee Assistance Program. The Health Committee will review the health benefit costs at its quarterly meetings and make recommendations to the parties that address increased costs.

(i) The BRH shall contribute not less than \$12.80 per full time employee per month to fund a Wellness Program in order to promote education about healthy lifestyles.

(j) Employees who are placed in furlough status on a reduced workweek or workday basis shall not be required to pay a prorated portion of the Employer's health insurance contribution rate provided the employee continues to work a minimum of 60 hours per pay period.

18 PR 065. Travel Reimbursement.

(a) All official travel must be authorized in advance by the employee's department director and the funds have been appropriated.

(b) BRH's Travel Expense Reimbursement Policy is hereby incorporated by reference.

(c) The Chief Executive Officer may establish other reasonable rules and procedures associated with travel.

18 PR 070. Mileage and Vehicle Allowance.

An employee who uses his or her own vehicle for BRH business will be reimbursed per the standard IRS mileage reimbursement rate. The employee must be able to show proof of insurance if requested.

18 PR 075. Reimbursement of Interview Travel Expenses.

Upon written advance authorization by the Chief Executive Officer, a job applicant may be reimbursed for transportation and per diem expenses reasonably necessary to attend an employment interview.

18 PR 080. Relocation Allowance.

The Human Resources Director may authorize a relocation allowance for a new employee provided the Human Resources Director and the employee sign a written agreement specifying the maximum allowance and requiring pro-rated repayment if the employee fails to complete the work commitment as set forth in the agreement.

18 PR 085. Repayment to Employer.

Monies owed to the BRH by an employee who separates from service shall be deducted from the employee's final leave cash in and pay check, except that the employee's final check may not be less than the actual number of hours worked times the minimum wage guaranteed by state or federal law. An employee may owe the BRH money for a variety of reasons including, but not limited to: training, travel and relocation reimbursement; health insurance reimbursement; intentional or grossly negligent damage to BRH property, personal use of BRH credit cards; or failure to return BRH property. Should the amount of the employee's final pay and leave cash in be insufficient to cover the total monies owed the BRH, the BRH may take other actions to recover the funds.

RULE 19

Licensed Medical Doctors and Advanced Practitioners

**Section
005.**

19 PR 005.

Licensed medical doctors and advanced practitioners are not subject to the provisions of the personnel rules. Terms and conditions of employment are set out in individual employment contracts.

RULE 20

DEFINITIONS

**Section
005. Definitions**

20 PR 005. Definitions.

Unless stated otherwise in these rules:

- (1) **“Appointment”** means the offer to and acceptance by a person of a position.
- (2) **“Cause”** means that sufficient justification exists, in accordance with the merit principle of employment, for taking the proposed adverse employment action.
- (3) **“BRH”** means the Bartlett Regional Hospital.
- (4) **“Child”** means biological, adopted, or foster child, stepchild or legal ward.
- (5) **“City and Borough of Juneau (CBJ) resident”** means a person physically present in the CBJ with the intent to remain in the CBJ indefinitely and to make a home in the CBJ. A person demonstrates the required intent by:
 - (a) maintaining a principal place of abode in the CBJ for at least 30 days, and
 - (b) providing other proof of intent as may be required by the Human Resources Director that the person is not claiming residency outside the CBJ or obtaining benefits under a claim of residency outside the CBJ. A person who establishes residency in the CBJ remains a resident during an absence from the CBJ unless during the absence the person establishes or claims residency in another state, territory, country or municipality or is absent under circumstances that are inconsistent with the intent required within this definition to remain a resident of the CBJ.
- (6) **“Classification plan”** means the system of grouping positions into appropriate classes consisting of an index to the classification specifications, the classification specifications and the rules for administering the classification plan. BRH has adopted the Decision Band Method (DBM) to allocate positions within the classification plan.
- (7) **“Classified service”** means those positions in the BRH service which are not specifically included in the partially exempt service as provided in CBJ 44.05.
- (8) **“Demotion”** means the appointment of an employee from a position in one job classification to a position in another job classification at a lower DBM rating.
- (9) **“Department director”** means the head of a department.
- (10) **“Direct supervisory”** means a supervisory relationship to an employee including all supervisors in the direct line of authority from the immediate supervisor to the Chief Executive Officer.
- (11) **“Domestic partners”** means persons co-habituating in an intimate relationship with the intent to reside together indefinitely where each person is the other’s sole domestic partner and both parties are responsible for the common welfare of the other.

(12) **“On duty”** means those hours an employee is assigned to work.

(13) **“Employee status”** means the employment standing of an employee. Employee statuses include permanent, probationary, temporary, emergency, layoff and partially exempt.

(14) **“Examination”** means any activity or process used by the appointing authority to select an employee including but not limited to: review of applications; written, oral and physical tests; medical examinations, interviews, consulting with references and past employers and the evaluation of the employee’s performance during the probationary period.

(15) **“Furlough”** means an unpaid period of leave or a temporary decrease to the minimum number of hours worked in a work week or work day for full time employees that is authorized by the Chief Executive Officer in response to fiscal constraints.

(16) **“Good standing”** refers to the separation status of an employee. An employee separates from service in good standing when an employee resigns with “meets” or better performance, complies with all exit requirements, and provides proper written notice in accordance with 12 PR 005.

(17) **“Health care provider”** means a health care provider, as defined in Family Medical Leave Act policy.

(18) **“Human Resources Director”** means the Chief Executive Officer and that person appointed by the Chief Executive Officer as the Human Resources Director.

(19) **“Intermittent Disaster Response Appointee (IDRA)”** means a temporary, intermittent employee of the U.S. Department of Health and Human Services who responds to, or trains for, emergencies involving infectious diseases or weapons of mass destruction. They are protected by USERRA both for training and actual emergencies.

(20) **“Job classification”** means a group of positions which are similar in general duties, responsibilities and minimum qualifications and is identified by the same title.

(21) **“Job classification series”** is as defined by the Human Resources Director and documented in classification specifications.

(22) **“Layoff”** means the separation of an employee because a position is abolished, because of fiscal restraints, lack of work or other reasons not reflecting discredit on the employee.

(23) **“Layoff status”** means the status of a permanent or probationary employee who has been separated from employment for reasons not reflecting discredit on the employee and who has certain rights and obligations under these rules.

(24) **“Merit principle of employment”** means:

(a) recruiting, selecting and promoting employees on the basis of their knowledge, skill, ability and willingness to perform the work, including open consideration of qualified applicants for initial appointment;

(b) retention of employees with permanent or probationary status on the basis of job performance and behavior, including reasonable efforts of temporary duration for correction of inadequate performance or unacceptable behavior, and separation for cause;

(c) equal treatment of employees and applicants with regard only to knowledge, skill, ability and willingness to perform the job;

(d) rates of pay based on the work assigned and performed; and

(e) selection and retention of employees secure from political influences.

(25) **“Parent”** for FMLA purposes, means a biological or adoptive parent, a parent in law, or a stepparent.

(26) **“Partially exempt service”** means those positions in the BRH service listed or provided for in CBJ 44.05.070. Unless designated otherwise by the City Manager in writing, all positions assigned to DBM ratings D through F are in the partially exempt service. Employees in partially exempt positions are not subject to or covered by the personnel rules on recruitment, examination, selection, probationary periods, reduction in force and grievance and appeal procedures.

(27) **“Pay rate”** means the specific salary or hourly rate of pay for a position.

(28) **“Pay status”** includes any time for which an employee is compensated including regular hours worked, overtime hours worked, paid leave, and paid holidays.

(29) **“Personnel Board”** means the board created by Section 3.14 of the CBJ Charter and CBJ Title 44, the personnel management code.

(30) **“Position description”** means a written statement describing the essential duties and responsibilities of a position, minimum qualifications, and physical/mental requirements.

(31) **“Promotion”** means the movement of an employee from a position in one job classification to a position in a job classification at a higher DBM rating.

(32) **“Publicly announced”** means the posting of a vacancy, including but not limited to, advertising, internet posting, or job boards.

(33) **“Qualified applicant”** means an applicant for a vacant position who meets the minimum qualifications for the position and has submitted a timely and complete application.

(34) **“Review Date”** means the date an employee has completed a year of continuous service as defined in 10 PR 065.

(35) “**Second degree of kinship**” means a father, mother, son, daughter, brother, sister, grandmother, grandfather, granddaughter, grandson, uncle, aunt, niece, or nephew, in a full, half, step, or foster relationship by blood, marriage, or domestic partnership.

(36) “**Uniformed Services**” means the Army, Navy, Marine Corps, Air Force, Coast Guard, and the commissioned corps of the Public Health Service. This includes the Reserve components of these services and the Army National Guard and Air National Guard. Under another Federal law enacted in 2002, Congress extended reemployment rights under USERRA to persons who serve as Intermittent Disaster Response Appointees (IDRA).

(37) “**Year**” means 2080 hours of work.

DOUGLAS ADVISORY BOARD 2016 ANNUAL REPORT

The Douglas Advisory Board meets on the second Wednesday of each month during the reporting period. At the November 9, 2016 meeting, the Board agreed to change the standing date to the third Wednesday at the same time. The City Clerk was advised of the change.

Although no major issues came before the Board, the following briefly summarizes agenda items which did come before the Board.

PARKS & REC: Kirk Duncan was a visitor at several monthly meetings. The discussion included proposed/planned developments with Parks & Rec as well issues surrounding excessive noise at Saviko Park. Brent Fischer from Building Maintenance as well as Police Chief Bryce Johnson also attended meeting(s) for question and answer sessions. Several members of the public also attended and contributed in the discussion. Several possible solutions were taken back and the changes have been positive.

TREADWELL HISTORICAL SOCIETY: Several Board members continue to act as the Douglas Advisory Board liaison with the Treadwell Historical Society and continue to provide updates to the Board.

DOUGLAS HIGHWAY BUS SHELTER(S): The Board successfully lobbied for the building of a bus shelter. Member Moulton followed and reported on the progress through completion.

DAB BROCHURE/RACK CARD: Rack cards were successfully printed at the CBJ print shop and distributed around Douglas including the Post Office and the Library.

SIDEWALK EXTENSION ON SOUTHBOUND LANE OF DOUGLAS HIGHWAY, GASTINEAU SCHOOL TO CROW HILL: The Board discussed this sidewalk extension and is in strong support of it. We will continue to monitor the progress.

WELCOME TO DOUGLAS ISLAND SIGN: The Board is currently pursuing what would be required in order to put a welcome sign in the area of the roundabout at the Douglas-Juneau Bridge. At this point information is being gathered on criteria for the sign, possible placement locations, and which agency or agencies would be responsible for granting a permit for a sign.

DOUGLAS HISTORIC CEMETERIES: The Board met with Kirk Duncan from CBJ as well as Tony McCormick, a local senior who maintains the cemeteries as a volunteer. The ownership or several parcels are questionable as is the current owner(s) intent on maintaining the properties. This has been identified as a top priority item for future Board discussion.

BOARD CHANGES: Arnold Liebelt was elected the new Board Chair. Mary Kay Pusich remains as Vice-Chair and John DelGado will assume the duties of Secretary.

John DelGado, Past Chair
Douglas Advisory Board



OFFICE OF THE MUNICIPAL CLERK

155 S. Seward St., Room 202
Phone: (907)586-5278 Fax: (907)586-4552
email: Beth.McEwen@juneau.org

MEMORANDUM

DATE: December 14, 2016

TO: Assembly Human Resources Committee

FROM: Beth McEwen, Deputy Municipal Clerk

cc: Emergency Programs Staff Liaisons Tom Mattice & Michelle Brown

RE: Local Emergency Planning Committee (LEPC) Seats Assignments (Corrected)

At the November 28, 2016 HRC and Assembly meetings, the Assembly approved the nominations of the following members to seats on the Local Emergency Planning Committee (LEPC). The seat assignment for primary and alternate members outlined in the November 22 memo for Seat 11 were accidentally reversed. Below is a corrected version of the seat assignments with Jason Burke moving up from Seat 11a to Seat 11 and Suzanne Dutson being assigned to Seat 11a.

If this correction is acceptable to the HRC and Assembly, this revised list will be sent to the State for the final nominations to all the seats.

The following is a breakdown of all seats and present membership with **those seats up for consideration in bold with nominations in italics**.

Seat 1 – Assemblymember Seat [Primary Member] – previously held by Maria Gladziszewski. ***Nomination of Loren Jones for a term beginning immediately and ending upon the 2017 Assembly Committee assignment adoption.***

Seat 1a – Assemblymember Seat [Alternate Member] vacant - previously held by Jaime Bursell.

Seat 2 – Peace Officer Seat [Primary Member] currently held by Deputy Police Chief Ed Mercer for a term expiring December 31, 2017.

Seat 2a – Peace Officer Seat [Alternate Member] currently held by Lt. David Campbell for a term expiring December 31, 2017.

Seat 3 – Firefighters/Emergency Medical Services [Primary Member] ***currently held by Assistant Fire Chief Ed Quinto for a term expiring December 31, 2016. Nomination for reappointment to a term expiring December 31, 2019.***

Seat 3a – Firefighters/Emergency Medical Services [Alternate Member] previously held by Joe Mishler. ***Nomination of Fire Captain Paramedic Todd Cameron for a term expiring December 31, 2019.***

Seat 4 – General Public Seat [Primary Member] currently held by Lindsey Taylor for a term expiring December 31, 2017.

Seat 4a – General Public Seat [Alternate Member] currently held by Destiny Sargeant for a term expiring December 31, 2017.

Seat 5 – Bartlett Regional Hospital Seat [Primary Member] currently held by Miguel Lopez for a term expiring December 31, 2017.

Seat 5a – Bartlett Regional Hospital Seat [Alternate Member] previously held by Cheri Moyer for a term expiring December 31, 2017. ***Nomination of Martha Palicka for a term beginning immediately and expiring December 31, 2017.***

Seat 6 – Media Seat [Primary Member] currently held by Bill Legere for a term expiring December 31, 2018.

Seat 6a – Media Seat [Alternate Member] currently held by Mikko Wilson for a term expiring December 31, 2018.

Seat 7 – American Red Cross Seat [Primary Member] ***currently held by Andrew Bogar for a term expiring December 31, 2016. Nomination for reappointment to a term expiring December 31, 2019.***

Seat 7a – American Red Cross Seat [Alternate Member] previously held by Scott Novak for a term expiring December 31, 2016. ***Nomination of Norman (Chip) Wagoner Jr. for a term beginning immediately and expiring December 31, 2019.***

Seat 8 – Owner/Operator of a Facility Subject to the Right to Know Act 1986 [Primary Member] currently held by Dan Garcia for a term expiring December 31, 2018.

Seat 8a – Owner/Operator of a Facility Subject to the Right to Know Act 1986 [Alternate Member] currently held by Allison Natcher for a term expiring December 31, 2018.

Seat 9 – Community Group Seat [Primary Member] currently held by Matt Musslewhite for a term expiring December 31, 2018.

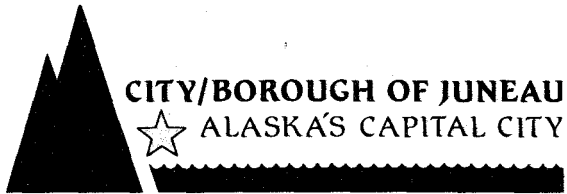
Seat 9a – Community Group Seat [Alternate Member] currently held by Ed Williams for a term expiring December 31, 2018.

Seat 10 – Haz/Mat Transporter Seat [Primary Member] currently held by Paul Nowlin for a term expiring December 31, 2017.

Seat 10a – Haz/Mat Transporter Seat [Alternate Member] currently held by Joel Curtis for a term expiring December 31, 2017.

Seat 11 – Vulnerable Population Representative Seat [Primary Member] Seat 11 incumbent Pam Watt submitted her resignation effective after the November 9, 2016 LEPC meeting. ***Jason Burke moving from Seat 11a to Primary Seat 11 for a term expiring December 31, 2019.***

Seat 11a – Vulnerable Population Representative Seat [Alternate Member] previously held by Jason Burke for a term expiring December 31, 2016. ***Nomination of Suzanne Dutson for a term beginning January 1, 2017 and expiring December 31, 2019.***



OFFICE OF THE MUNICIPAL CLERK

Ph: (907)586-5278 Fax: (907)586-4552

e-mail: Beth.McEwen@juneau.org

December 8, 2016

Via certified & regular mail

Tides Complex, Inc.

d/b/a Dragon Inn Chinese Cuisine Inc.

Attn: Quy T. Lam & Than H. Nyugen

5000 Glacier Hwy.

Juneau, AK 99801

Re: Restaurant Eating Place Liquor License #4405 Protest

Dear Quy T. Lam & Than H. Nyugen,

CBJ Finance Department has asked that the Assembly protest the continued operation of your liquor license due to the default on your Confession of Judgement (COJ) dated May 27, 2014 in addition to delinquent Sales Taxes owing at this time.

Enclosed with this letter are copies of the following documents pertaining to this matter:

- Dec. 8, 2016 Memo from Revenue Collections Office
 - Attachment A: Balance and Payment History
 - Attachment B: COJ Monthly Statement
 - Attachment C: Default Notices Sent (From CBJ Law Dept. Nov. 23, 2016)

Per the December 8, 2016 memo, the COJ is in default for a 2nd time with 7 missed monthly payments as of November 30, 2016 resulting in a total of \$10,000 in back payments due to bring the COJ current again.

In addition to the COJ delinquency, the Sales Tax office has indicated there is a total amount of \$141.12 to bring your sales tax current. The \$141.12 amount is the sum of two reporting periods: the period ending June 30, 2016 amount of \$88.19 which includes late filing and late payment penalty and interest, and the period ending September 30, 2016 amount of \$52.93 which also includes late payment penalty and interest. These amounts are good through December 2016.

December 8, 2016

Page 2 of 2

Letter to Tides Complex, Inc. d/b/a Dragon Inn Chinese Cuisine Inc. re: Liquor License Protest

Alaska Statutes 04.11.480 provides in part...

"The local governing body may protest the continued operation of a license during the second year of the biennial license period by sending the board and the licensee a protest and the reasons for the protest by January 31 of the second year of the license. The procedures for action on a protest of continued operation of a license are the same as the procedures for action on a protest of a renewal application...."

For the reasons listed above, the Finance Department is recommending the Assembly protest the continued operation of this liquor license unless the outstanding delinquencies for both the COJ and Sales Taxes owing are brought current.

CBJ Code 20.25.025 provides you with the right to an informal hearing before the Assembly to address this issue. This matter will be considered at the Monday, December 19, 2016 Assembly Human Resources Committee (HRC) meeting at 6 p.m. in the Assembly Chambers and the HRC will then forward a recommendation to the Assembly for action at its regular meeting that same evening at 7 p.m. in the Assembly Chambers. At that meeting will be your opportunity to participate in an informal hearing before the Assembly if you wish to do so.

In the meantime, I would urge you to work with CBJ Finance staff to try to resolve all outstanding balances owing on your accounts. They can be reached at 586-5268.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth McEwen", with a stylized, cursive script.

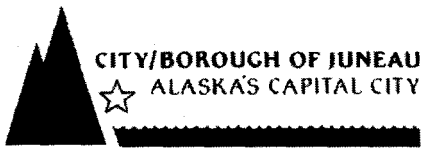
Beth McEwen
Deputy Clerk

Enclosures

cc: CBJ Assembly

Finance Department Staff

Law Department Staff



Revenue Collections Office
155 South Seward Street,
Juneau, Alaska 99801
(907) 586-5268 Ph
collections@juneau.org

December 8, 2016

MEMO

SUBJECT: DRAGON INN LIQUOR LICENSE PROTEST
ACCOUNT: COJUB2027
COJ CASE: 1JU-14-00677CI

The Dragon Inn Chinese Cuisine, Inc., owned and operated by Quy Lam and Than H. Nyugen, a business which includes Tides Motel and Dragon Inn, entered into a Confession of Judgment, 1JU-14-00677CI, for back billing of water/sewer as a result of water meter tampering. The key COJ terms were as follows:

- Judgment was signed on June 13, 2014
- Original principal balance was \$ 38,240.94 plus post judgment interest accruing @ 3.75% per annum
- Minimum payments of \$ 500 per month beginning June 01, 2014 continuing to December 01, 2014
- Minimum payments increased to \$1,500.00 per month beginning January 01, 2015 which continue until the judgment is paid in full

Attachment A - Balance and Payment History. The attachment shows the running balance, scheduled payments, actual payments received, and default notices sent. It also shows that 12 monthly payments were missed when the liquor license was protested in January 2016. As a result of that protest, \$10,500.00 in back payments were required to bring the COJ current. A payment of \$10,500.00 was made on February 29, 2016 and the COJ was brought current. **The COJ is now in default for a 2nd time with 7 missed monthly payments as of November 30, 2016. As a result, \$10,000.00 in back payments are required to bring the COJ current again.** Note that December's payment is also due 12/01/16. The current balance due on the COJ as of 11/30/16 is \$12,804.84.

Attachment B – COJ Monthly Statement. Statements are sent monthly for all COJs. The attachment shows an example of one for Dragon Inn. COJ payments are due the 1st of each month.

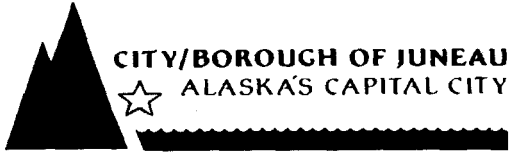
Attachment C – Default Notices Sent. Notice of CBJ Intent to Execute on Judgment, with its attachments, issued by the CBJ Law Department on November 23, 2016.

Nicole A Tragis
Revenue Collector

ATTACHMENT A
BALANCE AND PAYMENT HISTORY

DRAGON INN COJ COJUB2027
ANNUAL INTEREST RATE 3.75%
BEGINNING BALANCE \$ 38,240.94

			PAYMENT	PAYMENT		MNTHLY
	BALANCE	REQUIRED	MADE	PAY DATE	STMT	SENT
June 13, 2014	\$ 37,740.94	\$ 500.00	\$ 500.00	06/02/14	YES	
July 31, 2014	\$ 37,429.94	\$ 500.00	\$ 500.00	07/08/14	YES	
August 31, 2014	\$ 37,548.86	\$ 500.00	\$ -		YES	
September 30, 2014	\$ 36,663.29	\$ 500.00	\$ 1,000.00	09/22/14	YES	
October 31, 2014	\$ 36,779.95	\$ 500.00	\$ -		YES	
November 30, 2014	\$ 36,892.85	\$ 500.00	\$ -		YES	
December 29, 2014	Default of Payment Plan letter sent					
December 31, 2014	\$ 37,009.51	\$ 500.00	\$ -		YES	
January 31, 2015	\$ 35,623.35	\$ 1,500.00	\$ 1,500.00	01/07/15	YES	
February 28, 2015	\$ 34,222.87	\$ 1,500.00	\$ 1,500.00	02/10/15	YES	
March 31, 2015	\$ 34,331.65	\$ 1,500.00	\$ -		YES	
April 30, 2015	\$ 34,436.93	\$ 1,500.00	\$ -		YES	
May 31, 2015	\$ 34,545.71	\$ 1,500.00	\$ -		YES	
June 1, 2015	Default of Payment Plan letter sent					
June 30, 2015	\$ 31,650.72	\$ 1,500.00	\$ 3,000.00	06/30/15	YES	
July 31, 2015	\$ 31,751.51	\$ 1,500.00	\$ -		YES	
August 31, 2015	\$ 31,852.30	\$ 1,500.00	\$ -		YES	
September 30, 2015	\$ 31,949.39	\$ 1,500.00	\$ -		YES	
October 31, 2015	\$ 32,050.64	\$ 1,500.00	\$ -		YES	
November 20, 2015	Notice of CBJ Intent to Execute on Judgment sent					
November 30, 2015	\$ 32,148.19	\$ 1,500.00	\$ -		YES	
December 31, 2015	\$ 29,247.99	\$ 1,500.00	\$ 3,000.00	12/28/15	YES	
January 31, 2016	\$ 27,840.96	\$ 1,500.00	\$ 1,500.00	01/31/16	YES	
Liquor License Protested for 1st time						
February 29, 2016	\$ 27,921.04	\$ 1,500.00	\$ 1,500.00	02/29/16	YES	
February 29, 2016	\$ 15,921.04	\$ -	\$ 10,500.00	02/29/16	YES	
March 31, 2016	\$ 15,973.37	\$ 1,500.00	\$ -		YES	
April 30, 2016	\$ 14,020.07	\$ 1,500.00	\$ 2,000.00	04/19/16	YES	
May 31, 2016	\$ 14,064.67	\$ 1,500.00	\$ -		YES	
June 30, 2016	\$ 12,606.82	\$ 1,500.00	\$ 1,500.00	06/24/16	YES	
July 31, 2016	\$ 12,646.94	\$ 1,500.00	\$ -		YES	
August 31, 2016	\$ 12,687.06	\$ 1,500.00	\$ -		YES	
September 30, 2016	\$ 12,725.89	\$ 1,500.00	\$ -		YES	
October 31, 2016	\$ 12,766.01	\$ 1,500.00	\$ -		YES	
November 23, 2016	Notice of CBJ Intent to Execute on Judgment sent					
November 30, 2016	\$ 12,804.84	\$ 1,500.00	\$ -		YES	
		\$ 38,000.00	\$ 28,000.00			



TREASURER'S OFFICE
155 South Seward St
Juneau, AK 99801

DRAGON INN CHINESE CUISINE INC
QUY LAM; THAN H NYUGEN
5000 GLACIER HWY
JUNEAU AK 99801

STATEMENT

Reflects Payments Received Thru :	12/05/2016
Customer Number :	COJUB2027
Total Due :	\$12,804.84
Total Remitted :	

REMIT THIS PORTION TO ENSURE PROPER APPLICATION

FOLD HERE AND DETACH

Barcode 200126137

DRAGON INN CHINESE CUISINE INC
QUY LAM; THAN H NYUGEN
CUSTOMER NUMBER: COJUB2027
BARCODE: 200126137

Statement of Activity for 12/01/2016 - 12/05/2016

<u>INVOICE</u> <u>DATE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>TOTAL</u> <u>OUTSTANDING</u>
	BALANCE FORWARD		\$12,804.84

Ending Principal Balance \$12,597.76
Ending Accrued Interest Balance \$207.08

1JU-14-00677CI - Judgment signed 06/13/14. Original principal balance = \$38,240.94 @ 3.75%. Minimum monthly pmts of \$500.00 due on the 1st of each month beginning 06/01/14; increasing to minimum monthly pmts of \$1,500.00 beginning 01/01/15.

Total Due \$12,804.84

Failure to make the required scheduled payments will result in the publishing of the outstanding balance of the judgement in the Juneau Empire. Cost of publication will be at the expense of the debtor. In addition, your case may be forwarded to the CBJ Law Dept for execution of the judgement.

Credit Card Option: To pay by credit card, call Official Payments Corporation at (800) 272-9829 or visit www.officialpayments.com (use Jurisdiction Code 1202). Official Payments Corporation charges a fee for this service.

Make check payable to:
CITY & BOROUGH OF JUNEAU
All returned checks are subject to a \$30 return check fee.

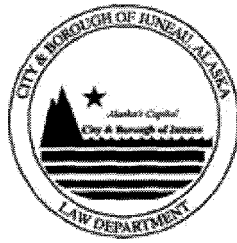
Payment Locations: Payments may be made by mail or in person at the Treasury Office located on the ground floor of the Municipal Building, 155 South Seward Street. Payments can also be made at any one of our three drop boxes: the Payment Centers at Super Bear, IGA, or outside the main entrance to the Municipal Building.

City and Borough of Juneau
Treasury Division

Please retain this portion for your records

Billing Inquiries: (907)586-5268
Business Hours: 8:00 a.m. to 4:30 p.m.
Monday through Friday

Amy G. Mead
Municipal Attorney
Jane E. Sebens
Deputy Municipal Attorney
Trinidad R. Contreras
Assistant Municipal Attorney
Robyn L. Carlisle
Assistant Municipal Attorney
Sherri Layne
Assistant Municipal Attorney
Robert H. Palmer III
Assistant Municipal Attorney



Law Department City & Borough of Juneau

Debbie L. Senn
Office Manager
Leo Helmar
Litigation and Support
Assistant-Criminal
Audrey Dean
Litigation and Support
Assistant-Criminal
Samantha L. Sanbei
Litigation and Support
Assistant-Civil
Jesse G. Peterson
Litigation and Support
Assistant-Civil

November 23, 2016

USPS Certified and First Class Mail

Dragon Inn Chinese Cuisine, Inc.
Than Nguyen and Quy Lam
5000 Glacier Hwy.
Juneau, AK 99801

Re: Notice of CBJ Intent to Execute on Judgment

Dear Mr. Nguyen and Mr. Lam:

This letter is to notify you that the CBJ Law Department has determined that you are no longer complying with the stipulation to pay your past utility debt which you agreed to in May 29, 2014. This means the CBJ can immediately execute to obtain the outstanding amount of \$12,794.48.

If you have an attorney, he or she should contact me as soon as possible.

CBJ Collections' records indicate you have not paid the agreed to amount of \$1,500 per month for the months of May, July, August, September, October and November 2016; therefore you have not made six monthly payments in 2016 of \$1,500 for a total of \$9,000 owed to the CBJ per agreement.

This delinquency is in violation of the stipulation agreed to and entered into by the parties in May 2014. **By being in violation of the stipulation, the CBJ can legally execute the May 2014 judgment to obtain the outstanding balance of \$12,794.48.**

On May 30, 2014, the parties agreed to and signed a confession of judgment and a stipulation to postpone execution of judgment. The confession of judgment was in the amount of \$38,240.94. Judge Levy entered an order in the amount of \$38,240.94 on June 16, 2014.

The parties' stipulation to postpone execution as to judgment stated:

... defendant guarantees a minimum payment of \$500 per month, inclusive of principal and interest, to the CBJ commencing June 1, 2014, and continuing to December 1, 2014. Starting in January 1, 2014, defendant guarantees a minimum payment of \$500 per month, inclusive of principal and interest, to the CBJ commencing

June 1, 2014, and continuing to December 1, 2014. Starting in January 1, 2015, defendant guarantees a minimum payment of \$1500 per month, inclusive of principal and interest, to the CBJ and will then make payments on the 1st day of each succeeding month until the judgment is paid in full.

Therefore, if you paid \$1,500 each month until the debt owed was paid in full, you were acting consistent with the stipulation. Not paying the amount for eight months means you are not complying with the terms of this agreement.

Regarding payments and failure to comply with the stipulation's terms, the stipulation then states:

10. Provided defendant is in compliance with the terms of this Stipulation, plaintiff shall refrain from taking further collection action on the judgment entered in the case. In the event of a violation by defendant of any condition of this Stipulation, the balance of the judgment plus post judgment interest will immediately become due and payable.

Therefore, under the signed agreement, if you fail to comply with the stipulation and – for example – make timely payments, the amount owed becomes immediately due and the CBJ may entered collection efforts consistent with the judgment issued by Judge Levy on June 16, 2014.

As noted above, you have not paid the stipulated amount of \$1,500 over the last six months; resulting in a total delinquency of \$9,000. You are not in compliance with the stipulation entered into between the parties in May 2014.

CBJ Law Department is providing this notice to allow you one last chance to return to compliance as to the stipulation and confession of judgment. **From the date of this notice, CBJ Law will provide you 30 days to comply with the stipulation; meaning 30 days from November 23, 2016, you will have paid the \$9,000 or made substantial efforts to comply and pay the amount by agreement with the CBJ Collections Office.** If you do not undertake such efforts and comply with the May 2014 stipulation, the CBJ Law Department will undertake various collection efforts to satisfy the outstanding debt.

Please contact the CBJ Revenue Collections Office by December 23, 2016, and pay the delinquent amount of \$9,000. Their phone number is listed below. If you fail to remedy your delinquency by December 23, 2016, the CBJ will simply commence collection efforts to obtain the outstanding balance.

This letter and the additional time being provided is a courtesy only.

Dragon Inn Chinese Cuisine, Inc.
Than Nguyen and Quy Lam
5000 Glacier Hwy.
Juneau, AK 99801

November 23, 2016
Page 3

Sincerely,

Trinidad R. Contreras
Assistant City and Borough Attorney
(907) 586-0273

Enclosures:

May 2014 confession of judgment and stipulation
Spreadsheet Outlining Payment History since June 2014

cc: CBJ Public Works (907) 586-0917
CBJ Collections (907) 586-5268

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

CITY AND BOROUGH OF JUNEAU,)

Plaintiff,)

v.)

DRAGON INN CHINESE,
CUISINE, INC.,)

Defendant.)

COPY
Original Received

MAY 30 2014

Clerk of the Trial Courts

By W Deputy

CASE NO.: 1JU-14-677CI

**CONFESSION OF JUDGMENT WITHOUT ACTION AND ASSENT BY
PLAINTIFF**

The undersigned defendant Dragon Inn Chinese Cuisine, Inc. owned and operated by Quy Lam and Than H. Nyugen, a business which includes Tides Motel and Dragon Inn, hereby acknowledges, confesses, and authorizes judgment to be entered against them in accordance with the stipulations and recitals set forth below.

1. Acknowledgement of Water Utilities Owed

Defendant acknowledges that the City and Borough of Juneau has Water Utilities ordinances, codified as CBJ 75.01.010 through 220 inclusive, incorporated by reference herein, and that under these provisions the City and Borough of Juneau can seek payment for water use when a meter does not register or has been tampered with based on estimated use per CBJ 75.01.100(d).

2. Confession of Judgment

Defendant used water from August 2009 to July 2012 which was not registered by a meter and do hereby confess and authorize judgment to be entered in favor of the City

City & Borough Attorney
City & Borough of Juneau
155 South Seward Street, Juneau, Alaska 99801
voice: 907-586-5242 fax: 907-586-1147

and Borough of Juneau in connection with the aforesaid business, for past water use, interest, and penalties in the amount of \$37,950.94, filing fees in the amount of \$90.00 and attorneys' fees in the amount of \$200.00, for a total of \$38,240.94. Post Judgment interest shall be 3.75% per annum.

3. Just Debt

The total judgment is \$38,240.94. This amount is a just debt owed by Dragon Inn Chinese Cuisine, Inc. to the City and Borough of Juneau.

DEFENDANT:

I, QUY LAM, ON BEHALF OF DRAGON INN CHINESE CUISINE, INC., DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF ALASKA, THAT I HAVE READ THE ABOVE CONFESSION OF JUDGMENT AND I VERIFY THE ABOVE TO BE TRUE AND CORRECT.

By: 
Quy Lam d.b.a. Dragon Inn Chinese
Cuisine, Inc.

Dated: 5/27/14

ACKNOWLEDGMENT

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 27 day of May, 2014, personally appeared before me Quy Lam, President of Dragon Inn Chinese Cuisine, Inc., to me known to be the person who executed the foregoing Confession of Judgment Prior To Action, freely and voluntarily, for and on behalf of Dragon Inn Chinese Cuisine, Inc., for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND and official seal the day and year last above written.

Notary Public, State of Alaska

My commission expires: 7-16-76

DEFENDANT:

I, THAN H. NGUYEN, ON BEHALF OF DRAGON INN CHINESE CUISINE, INC., DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF ALASKA, THAT I HAVE READ THE ABOVE CONFESSION OF JUDGMENT AND I VERIFY THE ABOVE TO BE TRUE AND CORRECT.

By: Than H. Nguyen
Than H. Nguyen d.b.a. Dragon Inn
Chinese Cuisine, Inc.

Dated: 5-24-1991

ACKNOWLEDGMENT

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 27 day of May, 2014, personally appeared before me Than H. Nguyen, of Dragon Inn Chinese Cuisine, Inc., to me known to be the person who executed the foregoing Confession of Judgment Prior To Action, freely and voluntarily, for and on behalf of Dragon Inn Chinese Cuisine, Inc., for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND and official seal the day and year last above written.

Blair S. Ingham
Notary Public, State of Alaska

My commission expires: 7-16-16

ASSENT BY PLAINTIFF

The City and Borough of Juneau hereby assents to the foregoing Confession of Judgment Without Action.

CITY AND BOROUGH OF JUNEAU

By: _____

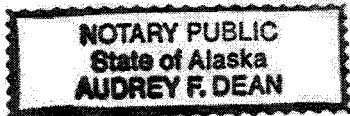
Randy L. Wiley
Treasurer

ACKNOWLEDGMENT

STATE OF ALASKA)
First Judicial District) ss.
CITY AND BOROUGH OF JUNEAU)

THIS CERTIFIES that on the 29th day of May, 2014, before me a Notary Public in and for the State of Alaska, personally appeared, Randy L. Wiley, to me known and known to me and ~~she~~ acknowledged to me that ~~she~~ is authorized to assent on behalf of the City and Borough of Juneau and that ~~she~~ executed the above on behalf of the City and Borough of Juneau.

WITNESS my hand and official seal the day and year in this certificate first above written.



Notary Public for the State of Alaska

My commission expires: 11/18/2014

THIS MATTER IS FORMALLY
ASSIGNED TO
KEITH LEVY
DISTRICT COURT JUDGE

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

CITY AND BOROUGH OF JUNEAU,)
)
Plaintiff,)
)
v.)
)
DRAGON INN CHINESE,)
CUISINE, INC.,)
)
Defendant.)
)

COPY
Original Received

MAY 30 2014

Clerk of the Trial Courts

By Deputy

CASE NO.: 1JU-14- 677 CI

STIPULATION TO POSTPONE EXECUTION OF JUDGMENT

WHEREAS, Dragon Inn Chinese Cuisine, Inc., Defendant herein, owned and operated by Quy Lam and Than H. Nyugen, a business which includes Tides Motel and Dragon Inn, has confessed judgment in favor of plaintiff City and Borough of Juneau in the amount of \$-38,240.94 owed for past utilities owed, filing and court costs, and attorneys' fees; and

WHEREAS, the City and Borough of Juneau provides a water utilities service and there are costs associated with the service as codified in CBJ 72.01.010 through .220, incorporated by reference herein; and

WHEREAS, defendant acknowledge that water utilities must be paid for water use, including back bills for water used and reasonably determined based upon CBJ 72.01.010 through .220; and

WHEREAS, defendant's water utility meter, for a variety of reasons, did not properly register CBJ water use for the property from August 2009 to July 2012. When a lock box

City & Borough Attorney
City & Borough of Juneau
155 South Seward Street, Juneau, Alaska 99801
voice: 907-586-5242 fax: 907-586-1147

was installed on the meter on March 29, 2013, the CBJ estimated the amount of water used from August 2009 to July 2012 in a net cost of \$37,950.94¹; and

WHEREAS, in consideration of the City and Borough of Juneau postponing further collection proceedings, defendant has agreed to make periodic payments toward the satisfaction of judgment; and

WHEREAS, defendant acknowledges receipt of executed copies of the Confession of Judgment Without Action and the Stipulation to Postpone Execution of Judgment;

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AS FOLLOWS:

1. In addition to staying current with the filing and paying of all obligations to the CBJ incurred after the execution of this stipulation, defendant guarantees a minimum payment of \$500 per month, inclusive of principal and interest, to the CBJ commencing June 1, 2014, and continuing to December 1, 2014. Starting in January 1, 2015, defendant guarantees a minimum payment of \$1500 per month, inclusive of principal and interest, to the CBJ and will then make payments on the 1st day of each succeeding month until the judgment is paid in full. Defendant may, at its option, make payments in excess of the scheduled amounts at any time and may pay off the indebtedness at its option at any time prior to the scheduled times of payments.

2. Defendant shall pay the aforesaid judgment, plus accrued interest post judgment at 3.75% per annum, in full prior to the sale, assignment, transfer, conveyance, lease, forfeiture, or abandonment of its business to another person, including a creditor or secured party.

¹ This amount does not include the \$90 filing fee or attorney's fees of \$200.

3. Defendant agrees to provide the CBJ with its current physical and mailing addresses and telephone numbers and to update the same within TEN (10) days should this information change.
4. Defendant agrees to provide the CBJ notice if it changes the name of the corporation within TEN (10) days of making such a change. Defendant agrees that changing the name of the corporation does not extinguish the utility debt owed and further agrees that should the corporation change its name, this debt will remain.
5. Consistent with the CBJ Assembly's vote on March 24, 2014, Defendant agrees that their current liquor license will contain a condition requiring compliance with these stipulations and making the payments contained herein to maintain the liquor license.
6. Defendant agrees if they fail to remain current with its payments for the utilities owed as outlined above, the CBJ may contest the Defendant's liquor license consistent with CBJ 20.25.25(b)(3) at the next scheduled hearing for contesting the license.
7. Defendant shall keep current on all other business obligations to the CBJ, including but not limited to water and sewer service accounts (and all bills therein such as for example current water bills), real and personal property taxes, CBJ sales taxes, and similar obligations to the CBJ.
8. This judgment shall not supersede the requirements for obtaining a liquor license renewal, certificate of convenience or for bidding on CBJ contracts. Defendant understands that neither the Confession of Judgment nor this Stipulation puts their business in good standing with the City and Borough of Juneau Finance Department for purposes of,

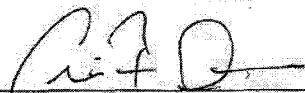
certificate of convenience or bidding on CBJ contracts. Furthermore, Defendant acknowledges until paid in full, the CBJ will request a condition on their liquor license requiring payment of the amount owed.

9. Upon payment in full of the judgment entered in this case, plaintiff shall execute a satisfaction and release of judgment.

10. Provided defendant is in compliance with the terms of this Stipulation, plaintiff shall refrain from taking further collection action on the judgment entered in the case. In the event of a violation by defendant of any condition of this Stipulation, the balance of the judgment plus post judgment interest will immediately become due and payable.


11. This Stipulation contains the entire agreement between the parties. There are no oral promises, representations or warranties between the parties regarding the matters or things connected with or related to the matters or things which are subject to this agreement.

PLAINTIFF: CITY AND BOROUGH OF JUNEAU:

By: 
Christopher F. Orman (AK Bar 1011099)
Assistant City-Borough Attorney

Dated: May 29, 2014

DEFENDANT:

By: 
Quy Lam, d.b.a. Dragon Inn Chinese
Cuisine, Inc.

Dated: 5/27/14

Date of Birth:

4/17/64

Social Security Number:

Stipulation to Postpone Execution of Judgment

1JU-14-1077 CI
Page 4 of 5


Personal Mailing Address:

5000 Glacier Hwy
Juneau AK 99801

Personal Physical Address:

Same as

DEFENDANT:

By: 
Than H. Nguyen, d.b.a. Dragon Inn
Chinese Cuisine, Inc.

Dated: 5-27-14

Date of Birth:

02-02-1962

Social Security Number:

Personal Mailing Address:

6007 Lagoon St
Juneau, AK 99801

Personal Physical Address:

Same

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

COPY
Original Received

MAY 30 2014

S clerk of the Trial Courts

By Deputy

CASE NO.: 1JU-14-677CI

CITY AND BOROUGH OF JUNEAU,)

Plaintiff,)

v.)

DRAGON INN CHINESE,)

CUISINE, INC.,)

Defendant.)

JUDGMENT ON CONFESSION OF JUDGMENT

WHEREAS, defendant Dragon Inn Chinese Cuisine, Inc., owned and operated by Quy Lam and Than H. Nyugen, a business which includes Tides Motel and Dragon Inn, have executed a Confession of Judgment for water and sewer utilities owed, penalties, and interest, dated the ____ day of ____, 2014, in favor of plaintiff City and Borough of Juneau in the amount of \$37,950.94 for filing fees in the amount of \$90.00 and attorneys' fees in the amount of \$200.00, for a total of \$38,240.94;

WHEREAS, the defendant used CBJ water and sewer utilities and did not pay for that service;

WHEREAS, Defendant has consented to entry of judgment and acknowledged before an officer authorized by law to administer oaths its confession of judgment and verified the same to be true; and

City & Borough Attorney
City & Borough of Juneau, Alaska 99801
155 South Seward Street, Juneau, Alaska 99801
voice: 907-586-5242 fax: 907-586-1147

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WHEREAS the Plaintiff has acknowledged its assent to the confession of judgment.

NOW, THEREFORE, IT IS ORDERED that judgment shall enter against defendant Dragon Inn Chinese Cuisine, Inc., owned and operated by Quy Lam and Than H. Nyugen, a business which includes Tides Motel and Dragon Inn in the amount of \$38,240.94 plus post judgment interest accruing at the rate of 3.75% per annum.

Dated this _____ day of _____ 2014.

District Court Judge

CERTIFICATION:
Copies Distributed:

Date: _____

To: Christopher F. Orman via court box

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

CITY AND BOROUGH OF JUNEAU,

Plaintiff,

v.

DRAGON INN CHINESE,
CUISINE, INC.,

Defendant.

COPY
Original Received

MAY 30 2014

Clerk of the Trial Courts

By

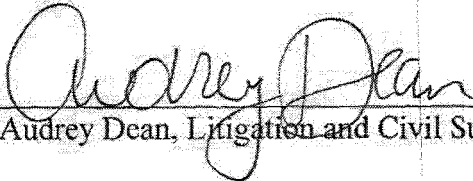
CASE NO.: 1JU-14-677 CI Deputy

CERTIFICATE OF SERVICE

I, Audrey Dean, certify that on the 30th day of May, 2014, a true and correct copy of the CONFESSION OF JUDGMENT WITHOUT ACTION AND ASSENT BY PLAINTIFF, STIPULATION TO POSTPONE EXECUTION OF JUDGMENT and proposed JUDGMENT ON CONFESSION OF JUDGMENT were served via first class mail, postage pre-paid to:

Robert S. Spitzfaden
Gruening & Spitzfaden
217 Second Street, Ste. 204
Juneau, AK 99801

DATED this 30th day of May, 2014.



Audrey Dean, Litigation and Civil Support Assistant

ALASKA STATUTES AND CBJ CODE SECTIONS
RE: ASSEMBLY LIQUOR LICENSE REVIEW AND PROTEST PROCESS

City and Borough of Juneau (CBJ) Code

**20.25.025 - Assembly review of license issuance, renewal, transfer, or continued operation.
modified**

(a) The assembly may protest the issuance, renewal, transfer, or continued operation of an alcoholic beverage license as provided in state law. The protest shall cite any of the following criteria which the assembly determines to be pertinent:

(1) Failure of the applicant to secure a local permit, or if the applicant is in violation of any applicable local permit;

(2) That the applicant has violated a provision of AS 04 or regulations adopted by the state, or a condition imposed by the alcohol control board on the licensee, or if issuance of the license would violate a provision of state law or regulations;

(3) The business operated under the license is, on the date the assembly considers the license, delinquent in the payment of any sales tax or penalty or interest on sales tax arising out of the operation of the licensed premises;

(4) There are delinquent property taxes or local improvement district assessments or penalty or interest thereon arising out of real or personal property owned in whole or in part by any person named in the application as an applicant or on the permit which is to be continued where such property is used, or is to be used, in whole or in part in the business conducted or to be conducted under the license;

(5) There is a delinquent charge or assessment owing the City and Borough by the licensee for a municipal service provided for the benefit of the business conducted under the license or for a service or an activity provided or conducted by the municipality at the request of or arising out of an activity of the business conducted under the license;

(6) The business operated or to be operated under the license is violating or would violate the zoning code of the City and Borough;

(7) The business operated under the license is, on the date the assembly considers the application, in violation of state or local fire, health, or safety codes. A criminal conviction of this violation is not a prerequisite for a protest under this section;

(8) The concentration of other marijuana establishment or alcohol licenses in the area;

(9) Any factor identified by state statute or regulation as appropriate grounds for a protest;

(10) Any other factor the assembly determines is generally relevant or is relevant to a particular application.

ALASKA STATUTES AND CBJ CODE SECTIONS
RE: ASSEMBLY LIQUOR LICENSE REVIEW AND PROTEST PROCESS

(b) If the assembly or committee or a subcommittee thereof recommends protest of the issuance, renewal, transfer, or continued operation of a license it shall state the basis of the protest and the applicant shall be afforded notice and an opportunity to be heard at an abbreviated informal hearing before the assembly to defend the application. For the purposes of this subsection, notice shall be sufficient if sent at least ten days prior to the hearing by certified first class mail to the applicant's address identified on the state license application. At the conclusion of the hearing, the assembly decision to protest the application shall stand unless the majority of the assembly votes to withdraw the protest.

(Serial No. 84-50, § 4, 1984; Serial No. 86-35, §§ 2, 3, 1986; Serial No. 93-25, § 2, 1993; Serial No. 2002-06, § 2, 2-25-2002; Serial No. 2002-44, § 2, 12-2-2002; [Serial No. 2016-22\(am\), § 3, 8-22-2016](#))

State Law reference— Assembly protest, AS 04.11.480.

Alaska Statutes

Sec. 04.11.480. Protest.

(a) A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license by sending the board and the applicant a protest and the reasons for the protest within 60 days of receipt from the board of notice of filing of the application. A protest received after the 60-day period may not be accepted by the board, and in no event may a protest cause the board to reconsider an approved renewal, relocation, or transfer. The local governing body may protest the continued operation of a license during the second year of the biennial license period by sending the board and the licensee a protest and the reasons for the protest by January 31 of the second year of the license. The procedures for action on a protest of continued operation of a license are the same as the procedures for action on a protest of a renewal application. The board shall consider a protest and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (4) when it considers the application or continued operation, and the protest and the record of the hearing conducted under AS 04.11.510 (b)(2) or (4) shall be kept as part of the board's permanent record of its review. If an application or continued operation is protested, the board shall deny the application or continued operation unless the board finds that the protest is arbitrary, capricious, and unreasonable.

(b) If the permanent residents residing outside of but within two miles of an incorporated city or an established village wish to protest the issuance, renewal, or transfer of a license within the city or village, they shall file with the board a petition meeting the requirements of AS 04.11.510 (b)(3) requesting a public hearing within 30 days of the posting of notice required under AS 04.11.310 , or by December 31 of the year application is made for renewal of a license. The board shall consider testimony received at a hearing conducted under AS 04.11.510 (b)(3) when it considers the application, and the record of a hearing conducted under AS 04.11.510 (b)(3) shall be retained as part of the board's permanent record of its review of the application.

ALASKA STATUTES AND CBJ CODE SECTIONS
RE: ASSEMBLY LIQUOR LICENSE REVIEW AND PROTEST PROCESS

(c) A local governing body may recommend that a license be issued, renewed, relocated, or transferred with conditions. The board shall consider recommended conditions and testimony received at a hearing conducted under AS 04.11.510 (b)(2) or (4) when it considers the application or continued operation, and the recommended conditions and the record of the hearing conducted under AS 04.11.510 (b)(2) or (4) shall be kept as part of the board's permanent record of its review. If the local governing body recommends conditions, the board shall impose the recommended conditions unless the board finds that the recommended conditions are arbitrary, capricious, or unreasonable. If a condition recommended by a local governing body is imposed on a licensee, the local governing body shall assume responsibility for monitoring compliance with the condition, except as otherwise provided by the board.

(d) In addition to the right to protest under (a) of this section, a local governing body may notify the board that the local governing body has determined that a licensee has violated a provision of this title or a condition imposed on the licensee by the board. Unless the board finds that the local governing body's determination is arbitrary, capricious, or unreasonable, the board shall prepare the determination as an accusation against the licensee under AS 44.62.360 and conduct proceedings to resolve the matter as described under AS 04.11.510(c).