

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Dept. of Law
For reading: July 14, 2020

Municipal Clerk's Office
AMENDED AND APPROVED
Date: **July 28, 2020**

ANCHORAGE, ALASKA
AO No. 2020-78, As Amended

1 **AN ORDINANCE UPDATING MILITARY LEAVE, LEAVE WITHOUT PAY, AND**
2 **NON-CASHABLE LEAVE PROVISIONS OF ANCHORAGE MUNICIPAL CODE**
3 **TITLE 3 TO CLARIFY EXISTING PROCESSES AND TO CREATE A NEW**
4 **PROCESS FOR THE AWARD OF NON-CASHABLE LEAVE TO NON-**
5 **REPRESENTED EMPLOYEES.**
6

7
8 **WHEREAS**, several provisions of Anchorage Municipal Code Chapter 3.30 regarding
9 the MOA's leave policy require updating for clarity or consistency; and

10
11 **WHEREAS**, specifically, there is a lack of clarity in the existing language of AMC
12 3.30.159 regarding military pay and the associated MOA reimbursements; and

13
14 **WHEREAS**, the language of AMC 3.30.1511 concerning leave without pay is
15 unnecessarily complex and convoluted and can be simplified to ease the
16 administration of this process; and

17
18 **WHEREAS**, Chapter 3.30 provides for discretionary awards of non-cashable leave to
19 executive employees but does not provide a parallel process for non-represented
20 employees; and

21
22 **WHEREAS**, the administration will publish policy and procedure guidance and
23 provide covered employees notice of any changes in the P&Ps when they become
24 effective; and

25
26 **WHEREAS**, the administration intends to propose a paid family leave program which
27 will rely upon the non-cashable leave award process; and

28
29 **WHEREAS**, creating the possibility of discretionary awards of non-cashable for non-
30 represented employees will enable non-represented employees to be covered by the
31 proposed paid family leave policy; and

32
33 **WHEREAS**, the Human Resources Department considers all of these changes to the
34 provisions of Title 3 to be appropriate at this time to assist in equitable administration
35 of clear processes for municipal personnel; and

36
37 **WHEREAS**, the Human Resources Advisory Board met on December 23, 2019 and
38 the Personnel Rules Committee met on December 17, 2019, and both bodies
39 supported and approved adoption of changes to address these issues; now,
40 therefore,

1
2 **THE ANCHORAGE ASSEMBLY ORDAINS:**
3

4 **Section 1.** Anchorage Municipal Code section 3.30.159 is hereby amended to read
5 as follows:
6

7 **3.30.159 Military leave.**
8

9 **A.** Any regular employee who is ordered to report to [ACTIVE DUTY]
10 military training or active duty in the Army, Navy, Air Force, Coast
11 Guard, Marine Corps, National Guard or organized military reserves of
12 the United States shall be allowed up to fifteen (15) [TEN] working days
13 leave per calendar year for such purpose. During such leave, the
14 Municipality will recoup up to and equal to the amount that the
15 employee is paid by the military unless the military pay is greater. In
16 cases where the military pay is greater, the Municipality will recoup the
17 amount the Municipality has paid the employee. Such military leaves
18 shall not be deducted from accrued annual leave. Employees ordered
19 to attend additional periods of military duty may take annual leave or
20 leave without pay for such duty [EMPLOYEES SHALL BE PAID THE
21 DIFFERENCE IN THEIR REGULAR PAY, INCLUDING LONGEVITY
22 PAY, AND THEIR MILITARY PAY AND LONGEVITY, IF ANY. SUCH
23 MILITARY LEAVE SHALL NOT BE DEDUCTED FROM ANNUAL
24 LEAVE ACCRUED. EMPLOYEES ORDERED TO ATTEND
25 ADDITIONAL PERIODS OF MILITARY TRAINING MAY TAKE
26 ANNUAL LEAVE OR LEAVE WITHOUT PAY FOR SUCH TRAINING].
27

28 **B.** Military leave without pay.
29

30 1. An employee ordered to active military duty shall upon request
31 be entitled to up to five (5) years of military leave without pay for
32 the purpose of fulfilling the employee's military commitment
33 unless more time is allowed by law.
34

35 2. An employee placed on military leave without pay under this
36 subsection will:
37

38 a. Remain a Municipal employee;

39 b. Be reinstated in accordance with AMC 3.30.064;

40 c. Have the opportunity to purchase health insurance in
41 accordance with the health plan and federal and state
42 law; and

43 d. May elect to use paid annual leave or elect leave without
44 pay.
45

46 3. A reinstated employee shall be reemployed in such a manner as
47 to give the employee the same status in employment as the
48 employee would have enjoyed if the employee had been
49 continuously employed.
50

51 4. An employee placed on military leave without pay may be

1 replaced by temporary or substitute employees, depending on
 2 the needs of the agency and the anticipated duration of the
 3 leave.

- 4
 5 5. To the extent that an employee is guaranteed rights under
 6 federal or state law which exceed the benefits contained in this
 7 subsection, the applicable law will apply.

8
 9 (AO No. 79-195; AO No. 86-207(S-1); AO No. 2004-177(S), § 3, 4-15-05)

10
 11
 12 **Section 2.** Anchorage Municipal Code section 3.30.1511 is hereby amended to
 13 read as follows:

14
 15 **3.30.1511 Leave without pay.**

16
 17 Leave without pay may [TAKE ANY OF THE FORMS STATED IN THIS
 18 SECTION AND MAY] be granted by the director upon request by the
 19 employee, recommendation of the agency head and upon consideration of the
 20 particular needs of the employee and the agency. Leave and benefits shall not
 21 accrue during leave without pay except as provided in this section. The
 22 employer-employee relationship is maintained during a period of leave without
 23 pay, but no other compensation shall be paid by the municipality.

24
 25 Section 3.30.1515 provides for family leave, which must be approved pursuant
 26 to the Alaska Family Leave Act (AFLA) (AS 39.20.500—39.20.550) and the
 27 Family and Medical Leave Act of 1993 (Public Law 103-3). Additional periods
 28 of leave without pay directly following family leave may be requested by an
 29 employee and may be approved by the director upon recommendation of the
 30 agency head. The period of family leave, whether paid or unpaid, will,
 31 however, count toward the maximum periods of leave without pay available
 32 under this section.

33
 34 [CONSECUTIVE PERIODS OF L] Leave without pay may be requested
 35 [UNDER THE VARIOUS SUBSECTIONS OF THIS SECTION]; however, with
 36 the exception of military leave without pay, under no circumstances will leave
 37 without pay be approved for more than one hundred and eighty (180)
 38 consecutive calendar days in a rolling twelve (12) [CONSECUTIVE] month[S]
 39 period.

40
 41 A. *[MEDICAL LEAVE WITHOUT PAY.*

- 42
 43 1. *REQUIREMENTS. MEDICAL LEAVE WITHOUT PAY SHALL*
 44 *BE GRANTED ONLY:*

45
 46 A. UPON THE RECOMMENDATION FROM THE
 47 TREATING PHYSICIAN WHICH OUTLINES THE
 48 SPECIFIC NATURE OF THE DISABILITY, GIVING THE
 49 DATE THE DISABILITY BEGAN AND ESTIMATING THE
 50 DATE WHEN THE EMPLOYEE WILL BE ABLE TO
 51 RETURN TO EMPLOYMENT. A DISABILITY RELATED

1 TO PREGNANCY SHALL BE TREATED THE SAME AS
2 ANY OTHER DISABILITY; AND

3 B. UPON EXHAUSTION OF ALL BUT 40 HOURS OF THE
4 EMPLOYEE'S ANNUAL LEAVE AND ALL OF THE
5 EMPLOYEE'S SICK LEAVE.

6
7 2. *DURATION.* MEDICAL LEAVE WITHOUT PAY MAY BE
8 GRANTED FOR THE TREATING PHYSICIAN'S ESTIMATED
9 TERM OF DISABILITY, BUT NOT TO EXCEED THREE
10 MONTHS. THE DIRECTOR MAY APPROVE ADDITIONAL
11 PERIODS OF MEDICAL LEAVE AS PROVIDED IN THIS
12 SECTION, SO LONG AS ALL SUCH MEDICAL LEAVE DOES
13 NOT EXCEED ONE YEAR.

14
15 3. *BENEFIT ENTITLEMENT.* FOR THE FIRST THREE MONTHS
16 OF MEDICAL LEAVE, THE EMPLOYEE SHALL RECEIVE
17 MEDICAL AND LIFE INSURANCE COVERAGE, AS
18 DETERMINED BY THE DIRECTOR. THEREAFTER, THE
19 EMPLOYEE SHALL BE ENTITLED TO RECEIVE SUCH
20 BENEFITS ONLY IF HE PAYS FOR THEM IN THE MANNER
21 PRESCRIBED BY THE DIRECTOR.

22
23 4. *REPLACEMENT OF EMPLOYEE ON MEDICAL LEAVE*
24 *WITHOUT PAY.* EMPLOYEES ON APPROVED MEDICAL
25 LEAVE WITHOUT PAY MAY BE REPLACED BY TEMPORARY,
26 REGULAR OR SUBSTITUTE EMPLOYEES, DEPENDING ON
27 THE NEEDS OF THE AGENCY AND THE ANTICIPATED
28 DURATION OF THE LEAVE WITHOUT PAY. IF IT HAS BEEN
29 NECESSARY TO APPOINT A REGULAR EMPLOYEE TO
30 REPLACE THE EMPLOYEE ON MEDICAL LEAVE WITHOUT
31 PAY, THE AGENCY CONCERNED SHALL APPOINT
32 RETURNING EMPLOYEES TO A COMPARABLE POSITION
33 WITHIN THE AGENCY OR ARRANGE FOR APPOINTMENT IN
34 ANOTHER AGENCY OF THE MUNICIPALITY IN A
35 COMPARABLE POSITION, IF AVAILABLE, AND, IF NOT, THE
36 EMPLOYEE'S NAME SHALL BE PLACED ON THE
37 REEMPLOYMENT LIST FOR THE APPROPRIATE CLASS OF
38 POSITIONS.

39
40 B. *EDUCATIONAL LEAVE WITHOUT PAY.*

41
42 1. *REQUIREMENTS.* THE DIRECTOR MAY AUTHORIZE
43 EDUCATIONAL LEAVE WITHOUT PAY TO ALLOW THE
44 EMPLOYEE TO COMPLETE FORMAL UNDERGRADUATE OR
45 ADVANCED DEGREE REQUIREMENTS, IF:

46 A. SUCH EDUCATION WILL BE OF BENEFIT TO THE
47 MUNICIPALITY;

48 B. THE EMPLOYEE HAS BEEN EMPLOYED BY THE
49 MUNICIPALITY FOR AT LEAST TWO YEARS;

50 C. THE EMPLOYEE HAS EXHAUSTED ALL OF HIS
51 ANNUAL LEAVE;

- 1 D. THE AGENCY HEAD HAS CERTIFIED THAT THE
2 EMPLOYEE'S ABSENCE IS UNLIKELY TO HAVE A
3 SERIOUS EFFECT UPON THE AGENCY'S
4 PERFORMANCE; AND
5 E. NO MONETARY OR NONMONETARY ASSISTANCE
6 SHALL BE PROVIDED BY THE MUNICIPALITY TO AN
7 EMPLOYEE ON EDUCATIONAL LEAVE WITHOUT
8 PAY.

- 9
10 2. *DURATION.* A MAXIMUM OF ONE YEAR MAY BE GRANTED
11 FOR EDUCATIONAL LEAVE WITHOUT PAY.
12
13 3. *BENEFIT ENTITLEMENT.* AN EMPLOYEE ON EDUCATIONAL
14 LEAVE WITHOUT PAY MAY PAY FOR HEALTH AND
15 INSURANCE COVERAGE, AS DETERMINED BY THE
16 DIRECTOR.
17
18 4. *REPLACEMENT OF EMPLOYEE ON EDUCATIONAL LEAVE*
19 *WITHOUT PAY.* EMPLOYEES ON APPROVED EDUCATIONAL
20 LEAVE WITHOUT PAY MAY BE REPLACED BY TEMPORARY
21 OR SUBSTITUTE EMPLOYEES DEPENDING ON THE NEEDS
22 OF THE AGENCY AND THE DURATION OF THE
23 EDUCATIONAL LEAVE WITHOUT PAY. EMPLOYEES SHALL
24 RESUME THEIR POSITIONS UPON COMPLETION OF
25 EDUCATIONAL LEAVE WITHOUT PAY.
26

27 C.] *[PERSONAL] Leave without pay.*
28

- 29 1. *Requirements.* The director may grant [PERSONAL] leave
30 without pay on a case by case basis, provided that [TO
31 EMPLOYEES:
32
33 A. FOR NO MORE THAN 30 DAYS IN ANY ONE YEAR
34 FOR ANY REASON AND WITHOUT REGARD TO THE
35 EMPLOYEE'S ANNUAL AND SICK LEAVE ACCOUNT
36 BALANCE SO LONG AS THE AGENCY HEAD
37 CERTIFIES THAT THE AGENCY IS ABLE TO
38 PERFORM ADEQUATELY IF THE LEAVE IS GRANTED
39 AND PROVIDED THAT SUCH LEAVE IS NOT TAKEN
40 IN CONJUNCTION WITH ANY OTHER UNPAID LEAVE.
41 MEDICAL AND LIFE INSURANCE COVERAGE WILL
42 CONTINUE DURING SUCH PERIODS.
43 B. FOR LONGER PERIODS AUTHORIZED BY THIS
44 SUBSECTION FOR AN IMPORTANT PERSONAL
45 REASON SO LONG AS:
46 (1)]
47
48 A. The agency head certifies that the agency is able to
49 perform adequately if the leave is granted;
50
51 [(2)]B. The employee has exhausted cashable and non

cashable [HIS ANNUAL] leave accounts;

[(3)]C. The employee has stated an important reason to support the [HIS] leave application;

[(4)]D. The initial leave is granted for no more than ninety (90) consecutive days [THREE MONTHS], with the possibility of one extension for an additional ninety (90) days [THREE MONTHS] upon the same conditions; and

[(5)]E. For periods over thirty (30) consecutive days, the employee pays for the health and insurance coverage that the employee [HE] may choose to receive, as determined by the director.

2. *Replacement of employee on [PERSONAL] leave without pay.* Employees on approved [PERSONAL] leave without pay may be replaced by temporary or substitute employees, depending on the needs of the agency and the duration of the [PERSONAL] leave without pay. Employees shall resume their positions upon completion of [PERSONAL] leave without pay.

B.[D.] *Programmed leave without pay.*

1. *Requirements.* If an agency head suspends the work performed by an employee for more than one workweek but no more than eight workweeks in a calendar year, the employee may choose to be laid off pursuant to section 3.30.112 or to take programmed leave without pay, if that option is offered by the director. An employee who is on programmed leave may choose to use annual leave for any portion of that leave.
2. *Duration.* No more than 60 days of programmed leave shall be available pursuant to any one suspension of work by an agency head.
3. *Benefits.* An employee on programmed leave without pay shall continue to receive life and health insurance coverage, as determined by the director, but annual leave shall not accrue during that time.
4. *Replacement of employee on programmed leave without pay.* No employee on programmed leave shall be replaced at any time by reason of such leave, nor shall the work of their position be assigned to another employee.

[E.] *MILITARY LEAVE WITHOUT PAY.*

1. AN EMPLOYEE ORDERED TO ACTIVE MILITARY DUTY SHALL UPON REQUEST BE ENTITLED TO UP TO FOUR YEARS OF MILITARY LEAVE WITHOUT PAY FOR THE

PURPOSE OF FULFILLING THE EMPLOYEE'S MILITARY COMMITMENT. AN EMPLOYEE SO ORDERED MAY REQUEST UP TO A ONE-YEAR EXTENSION IF THE EMPLOYEE'S MILITARY COMMITMENT EXCEEDS FOUR YEARS.

2. AN EMPLOYEE PLACED ON LEAVE WITHOUT PAY UNDER THIS SUBSECTION WILL:
 - A. REMAIN A MUNICIPAL EMPLOYEE.
 - B. BE REINSTATED IN ACCORDANCE WITH SECTION 3.30.068.A.1.
 - C. HAVE THE OPPORTUNITY TO PURCHASE HEALTH INSURANCE.
3. A REINSTATED EMPLOYEE SHALL BE REEMPLOYED IN SUCH A MANNER AS TO GIVE THE EMPLOYEE SUCH STATUS IN EMPLOYMENT AS THE EMPLOYEE WOULD HAVE ENJOYED IF THE EMPLOYEE HAD CONTINUED IN THAT EMPLOYMENT CONTINUOUSLY.
4. AN EMPLOYEE PLACED ON LEAVE WITHOUT PAY UNDER THIS SUBSECTION MAY BE REPLACED BY TEMPORARY OR SUBSTITUTE EMPLOYEES, DEPENDING ON THE NEEDS OF THE AGENCY AND THE ANTICIPATED DURATION OF THE LEAVE WITHOUT PAY.
5. TO THE EXTENT THAT AN EMPLOYEE IS GUARANTEED RIGHTS UNDER FEDERAL LAW WHICH EXCEED THE BENEFITS CONTAINED IN THIS SUBSECTION, THE FEDERAL LAW WILL APPLY.]

(AO No. 79-195; AO No. 86-207(S-1); AO No. 91-5(S-1); AO No. 93-136, § 1, 8-5-93; AO No. 94-117, § 32, 7-26-94; AO No. 2009-60, § 1, 5-12-09; AO No. 2009-85, § 1, 7-7-09; AO No. 2014-32(S), § 15, 2-25-14; AO No. 2019-70 , § 5, 6-4-19)

Section 3. Anchorage Municipal Code chapter 3.30 is hereby amended to add a new section 3.30.1517 as follows (*the remainder of the chapter is not affected and therefore not set out*):

3.30.1517 Additional non-cashable leave.

The Mayor may award additional non-cashable leave to non-represented employees. Additional non-cashable leave that is awarded under this subsection shall meet the following requirements:

- A. The leave is non-cashable;
- B. The non-cashable leave is granted as a lump sum award and shall not be an ongoing or repeating award of non-cashable

leave;

C. The non-cashable leave awarded is to be used prior to any other leave; and

D. Any unused non-cashable leave at time of separation is forfeited.

Section 4. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 28th day of July, 2020.

DocuSigned by:

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 Chair of the Assembly

ATTEST:

Barbara A. Jones

Municipal Clerk

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MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2020-78

Title: **AN ORDINANCE UPDATING MILITARY LEAVE, LEAVE WITHOUT PAY, AND NON-CASHABLE LEAVE PROVISIONS OF ANCHORAGE MUNICIPAL CODE TITLE 3 TO CLARIFY EXISTING PROCESSES AND TO CREATE A NEW PROCESS FOR THE AWARD OF NON-CASHABLE LEAVE TO NON-REPRESENTED EMPLOYEES.**

Sponsor: **MAYOR**
 Preparing Agency: **HUMAN RESOURCES**
 Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)				
	FY20	FY21	FY22	FY23	FY24	
Operating Expenditures						
1000 Personal Services	\$ 160	\$ 160	\$ 160	\$ 160	\$ 160	
2000 Non-Labor						
3900 Contributions						
4000 Debt Service						
TOTAL DIRECT COSTS:	\$ 160	\$ 160	\$ 160	\$ 160	\$ 160	
Add: 6000 Charges from Others						
Less: 7000 Charges to Others						
FUNCTION COST:	\$ 160	\$ 160	\$ 160	\$ 160	\$ 160	
REVENUES:	\$ -	\$ -	\$ -	\$ -	\$ -	
CAPITAL:						
POSITIONS: FT/PT and Temp	-	-	-	-	-	

PUBLIC SECTOR ECONOMIC EFFECTS:

This is the estimated cost of adding a parental leave program for non-represented employees.

PRIVATE SECTOR ECONOMIC EFFECTS:

N/A

Prepared by: Office of Management and Budget

Telephone: 907-343-4491



MUNICIPALITY OF ANCHORAGE

Assembly Memorandum

No. AM 412-2020

Meeting Date: July 14, 2020

1 **From:** MAYOR

2
3 **Subject:** AN ORDINANCE UPDATING MILITARY LEAVE, LEAVE
4 WITHOUT PAY, AND NON-CASHABLE LEAVE PROVISIONS OF
5 ANCHORAGE MUNICIPAL CODE TITLE 3 TO CLARIFY
6 EXISTING PROCESSES AND TO CREATE A NEW PROCESS
7 FOR THE AWARD OF NON-CASHABLE LEAVE TO NON-
8 REPRESENTED EMPLOYEES.
9

10 This AO updates several provisions of Anchorage Municipal Code chapter 3.30
11 regarding MOA's leave policy for the purpose of providing increased clarity and
12 consistency.
13

14 Specifically, the proposed changes remedy existing confusion in AMC 3.30.159
15 regarding military pay and the associated MOA reimbursements. These changes
16 clarify that any employee shall be allowed up to fifteen (15) working days of military
17 leave per calendar year. During such leave, the Municipality will recoup the
18 amount that the employee is paid by the military unless the military pay is greater.
19 In cases where the military pay is greater, the Municipality will recoup the amount
20 the Municipality has paid the employee.
21

22 Additionally, the changes simplify and clarify the existing, convoluted text of AMC
23 3.30.1511 concerning leave without pay. This new language also reduces the
24 maximum leave without pay usage from twelve (12) months to one hundred and
25 eighty (180) days in a rolling year.
26

27 Finally, the proposed changes create a mechanism for the Mayor to grant non-
28 cashable leave to non-represented employees. Chapter 3.30 currently provides
29 for discretionary awards of non-cashable leave to executive employees but does
30 not provide a parallel process for non-represented employees. This change will
31 have the effect of enabling the award of non-cashable leave to exceptional non-
32 represented employees as a performance incentive. Further, and more
33 importantly, it is part of the administration's intent that the change will enable non-
34 represented employees to participate in a paid parental leave program to be
35 developed after this code change is adopted.
36

37 In accordance with AMC 3.30.015, the Human Resources Advisory Board met on
38 December 23, 2019, and approved the proposed code changes. In accordance
39 with AMC 3.30.018, the Personnel Rules committee met on December 17, 2019
40 and also approved the proposed code changes. Providing paid parental leave was

1 also recommended by the Anchorage Women’s Commission in January 2020.

2
3 The economic effects of this ordinance will vary based upon usage. Predicted
4 effects, based upon past rates of birth and adoption by non-represented
5 employees, are detailed in the attached SEE.

6
7
8 **THE ADMINISTRATION RECOMMENDS APPROVAL.**

9
10 Prepared by: Human Resources
11 Approved by: Cheryl Evans, Director, Human Resources
12 Concur: Lance Wilber, Director, OMB
13 Concur: Alexander Slivka, CFO
14 Concur: Kathryn R. Vogel, Municipal Attorney
15 Concur: William D. Falsey, Municipal Manager
16 Respectfully submitted: Ethan A. Berkowitz, Mayor
17