CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2012-48

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AMENDING THE PERSONNEL RULES, SECTION 11.00, RESIGNATIONS

WHEREAS, the City administration is in the process of updating its current Personnel Regulations, but is looking to make an immediate change to Section 11.00, Resignations, having to do with when final paychecks need to be processed; and

WHEREAS, currently the City's Personnel Regulations, Section 11.00, Resignations, page 44, paragraph 4 reads as follows:

> Upon voluntary termination, the final paycheck will be available within three working days following the effective date of termination. They may, however, be retained pending the return of equipment, keys, IDs, and/or uniforms owned by the City and check out by the employees. Check availability will be dependent on prompt submission of time sheets to the payroll department.

WHEREAS, there is no mention of involuntary termination; and

WHEREAS, the U.S. Dept. of Labor by federal law does not require that employers give former employees their final paychecks immediately, and in the State of Alaska when an employee is terminated the employer is required by State law to pay the final paycheck within three working days from the last day worked, but when an employee quits final payment is due at the next regular payday that is at least three days after the employer received notice of the employer's termination; and

WHEREAS, the administration recommends removing the specific reference to voluntary termination and adding language so that the city's personnel regulations are consistent with state requirements that apply to both voluntary and involuntary termination of employment; and

WHEREAS, the Dillingham Municipal Code Section 2.60.010 provides that provisions for hiring policies, conditions of city employment, travel and other pay allowances, suspension, demotion and dismissal, vacation time, sick leave, leaves of absence and grievances are adopted by the Council by resolution; and

NOW, THEREFORE, BE IT RESOLVED that Section 11.00, Resignations, be amended to remove the word voluntary and replace it with the following language: (additions are **emboldened** and <u>underlined</u> and deletions are in CAPS and [brackets]):

11.00 Resignations (page 44, paragraph 4)
[UPON VOLUNTARY TERMINATION, THE FINAL PAYCHECK WILL BE AVAILABLE WITHIN THREE WORKING DAYS FOLLOWING THE EFFECTIVE DATE OF TERMINATION.] <u>**Employees will receive their final pay in accordance with applicable state law.**</u>

BE IT FURTHER RESOLVED that this change become effective upon adoption.

PASSED and ADOPTED by the Dillingham City Council on August 9, 2012

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

City of Dillingham Information Memorandum No. R2012-48

Subject: A resolution amending the Personnel Rules, Section 11.00, Resignations

Agenda of: August 9, 2012

City Council Action:

Manager: Recommend approval

City Manager: Rose Loera
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Finance Director / Carol Shade	CS	
X	City Clerk / Janice Williams	JW	

Fiscal Note: Yes ___ No __X__ Funds Available: Yes _____ No _____

Other Attachment(s):

- Page 44, Personnel Regulations, Section 11.00, Resignations

Summary Statement.

The Dillingham Municipal Code Section 2.60.010 provides that provisions for hiring policies, conditions of city employment, travel and other pay allowances, suspension, demotion and dismissal, vacation time, sick leave, leaves of absence and grievances are adopted by the Council by resolution.

This resolution would add language so that the city's personnel regulations regarding last paycheck are consistent with state requirements.

XI. TERMINATION OF EMPLOYMENT

11.00. RESIGNATIONS Oral or written notice of a resignation from employment is effective upon either oral or written acceptance of the resignation by the resigning employee's supervisor. A written or oral resignation may be accepted either orally or in writing. (Res. No. 99-50) To resign in good standing, an employee must present a written resignation to his/her department head at least 14 calendar days in advance of the resignation date, exclusive of accrued leave which the employee intends to take. This requirement may be waived in writing by the City Manager if extenuating circumstances exist. A copy of the employee's resignation shall be kept in the employee's personnel file. A resignation without the notice required by these rules is cause for denying the resigning employee eligibility for future employment. If no written resignation is received, the employee will be considered to have left without adequate notice and any reference will be so noted. If a resignation is made and accepted orally, the supervisor will document the resignation in writing for inclusion in the employee's personnel file.

An employee shall be regarded as having resigned if, without notice to his/her supervisor, he/she fails to report for duty for three successive working days; or he/she fails to report for duty within three successive working days following the expiration date of an approved leave of absence/vacation.

Upon approval of the City Manager, an employee may withdraw his/her resignation at any time prior to the effective date of the resignation providing the position has not already been filled.

Upon voluntary termination, the final paycheck will be available within three working days following the effective date of termination. They may, however, be retained pending the return of equipment, keys, IDs, and/or uniforms owned by the City and checked out to the employees. Check availability will be dependent on prompt submission of time sheets to the payroll department.

For record purposes, the last day worked is to be considered the termination date despite any paid accrued leave.

11.05. LAYOFFS AND RECALL The City Manager may lay off an employee in any regular, provisional or temporary position due to a lack of work or funds at any time. The employee's current job performance and then their length of service shall be the major factors used to determine the order in which regular employees shall be released. Consideration may also be given to employee efficiency and effectiveness as documented in past performance evaluations. At least two weeks before the effective date of a layoff, the City Manager shall notify the employee(s) being laid off, in writing, of the reasons for the layoff.

The City will endeavor to recall employees from layoff status based upon the needs of the City and the qualifications of the employee. If, in the opinion of the City, the qualifications of two or more employees are roughly equal, the employee with the greatest length of service with the City will be recalled first. Employees on layoff status are eligible for recall for one year from the date of layoff.