

Regular City Council Meeting
March 26, 2024 at 6:00pm
City of Palmer, Alaska
Palmer City Council Chambers
231 W Evergreen Avenue, Palmer, Alaska 99645
www.palmerak.org



Mayor Steven J. Carrington
Deputy Mayor Carolina Anzilotti
Council Member John Alcantra
Council Member Richard W. Best
Council Member Jim Cooper
Council Member Pamela Melin
Council Member Joshua Tudor

City Manager John Moosey
City Clerk Shelly M. Acteson, CMC
City Attorney Sarah Heath, Esq.

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
 - 1. Approval of Consent Agenda
(All items appearing under the Consent Agenda are approved by a single motion and one vote. A Council Member may request to move an item to further down the agenda.)
- D. APPROVAL OF AGENDA
 - 1. Approval of Minutes of Previous Meetings
 - A. March 12, 2024, Regular Meeting
- E. COMMUNICATIONS AND APPEARANCE REQUESTS
 - 1. Elected Officials in Attendance
 - 2. Board/Commission Members in Attendance
 - 3. A Proclamation Recognizing Education and Sharing Day on April 19, 2024 - Rabbi Mendy Greenberg
- F. REPORTS
 - 1. City Manager's Report
 - 2. Mayor's Report
 - 3. City Clerk's Report
 - 4. City Attorney's Report
- G. AUDIENCE PARTICIPATION - *(3 minutes per person)*

H. PUBLIC HEARINGS

I. ACTION MEMORANDA

1. Action Memorandum No. 24-015:
Authorizing the City Manager to Purchase and Outfit Three New Patrol Vehicles in the Amount of \$228,273.39 and to Purchase the Vehicles Under the Governmental and Proprietary Procurements Section of Palmer Municipal Code 3.21.230 by Attaching to the State of Alaska Contract
2. Action Memorandum No. 24-017:
Authorizing the City Manager to Spend up to \$50,000 on Grant Writing and Architectural Services from the Capital Projects Funds in the Approved 2024 Budget for the New Public Safety Building Project

J. UNFINISHED BUSINESS

1. Action Memorandum No. 24-016:
Authorizing the City Manager to Negotiate and Execute a Three-Year Contract with the Palmer Museum of History and Art for the Custodial Care and Curation of City of Palmer's Museum Artifacts In the Amount of \$55,400 to Reflect for 2024 Payment

K. NEW BUSINESS

1. Approval of Letter to the Attorney General from the City of Palmer

L. RECORD OF ITEMS PLACED ON THE TABLE

M. AUDIENCE PARTICIPATION - *(3 minutes per person)*

N. COMMITTEE OF THE WHOLE - To discuss Ordinance No. 24-002: Amending Palmer Municipal Code Title 4, Personnel (Action may be taken by the Council following Committee of the Whole) (A Public Hearing will be scheduled in April 2024)

O. COUNCIL MEMBER COMMENTS

P. ADJOURNMENT



D. 1.

Palmer City Council Meeting
Meeting Date: 03/26/2024
Submitted For: Shelly Acteson, City Clerk
Department: City Clerk's Office

Subject
Approval of Minutes of Previous Meetings
A. March 12, 2024, Regular Meeting

Summary Statement/Background

Administration's Recommendation:

Attachments

March 12, 2024 Regular Meeting Minutes

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on March 12, 2024, at 6:00 p.m. in the Council Chambers, Palmer, Alaska. Mayor Carrington called the meeting to order at 6:00 p.m.

B. ROLL CALL

Comprising a quorum of the Council, the following were present:

Mayor Steve Carrington
Deputy Mayor Carolina Anzilotti
John Alcantra
Richard W. Best
Jim Cooper
Pam Melin
Joshua Tudor

Staff in attendance:

John Moosey, City Manager
Shelly M. Acteson, CMC, City Clerk
Benji Johnson, Deputy City Clerk
Sarah Heath, City Attorney
Dwayne Shelton, Palmer Police Chief
Brad Hanson, Community Development Director
Gina Finance, Finance Director
Kimberly Green, Human Resources Manager
John Prevost, Palmer Fire Training Coordinator

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

D. APPROVAL OF AGENDA

1. Approval of Consent Agenda
 - A. Introduction of **Ordinance No. 24-002**, Amending the Palmer Municipal Code, Title 4, to Reflect Changes in Federal and State Laws and to Include Current Employment Law Best Practices, and set the Public Hearing for March 26, 2024
 - B. **Action Memorandum No. 24-011**: Authorizing the City Manager to spend \$60,000 in Pass Through Funds from the COSSAP Grant that was Approved by Council on December 12, 2022
 - C. **Action Memorandum No. 24-014**: Authorizing the City Manager to Purchase an Exmark Lazer Z Lawn Mower from Alaska Electric & Control Inc. DBA Jewell Equipment in an Amount Not to Exceed \$21,720.28
 - D. **Action Memorandum No. 24-015**: Authorizing the City Manager to Sign a Professional Service Contract for Structural Evaluation for the Repair of the Palmer Public Library with Wolf Architecture Not to Exceed \$21,416
Council Member Cooper requested to move Action Memorandum No. 24-015 from the Consent Agenda to New Business (item no. D.1.D to item K.1., there were no objections)
2. Approval of Minutes of Previous Meetings
February 27, 2024, Regular Meeting

Main Motion: To Approve the Agenda as amended

Moved by:	Cooper
Seconded by:	Alcantra
Vote:	Unanimous Consent
Action:	Motion Carried

*****Clerk's note: Agenda Item O, Council Member Comments, took place after agenda item H due to Council going into Committee of the Whole, Item N.**

E. COMMUNICATIONS AND APPEARANCE REQUESTS

1. Elected Officials in Attendance- None
2. Board/Commission Members in Attendance -None
3. Mobile Crisis Team (MCT) presentation by James Savage
Commander LaCroix, Melissa Toffolon, and James Savage gave an overview of the Mobile Crisis Team

F. REPORTS

1. City Manager's Report
 - Will be coming forward with information regarding working with a grant writer for a new Public Safety Building.
 - Submitting applications for some future federal funding.
 - In process to get a grant for pass through money from the Federal Government through the State for cybersecurity evaluation.
2. Mayor's Report
 - Written report in packet.
 - Noted the conflict of interest issue coming up later in the meeting.
3. City Clerk's Report
 - Written report in packet.
4. City Attorney's Report
 - No report currently.

G. AUDIENCE PARTICIPATION

Sherman Leifer:

- Appearing on behalf of the Palmer Chamber Commerce.
- Read a written statement regarding possible changes to the Friday Fling event.

Jackie Goforth:

- Spoke to the books in libraries.
- Objected to the article in the Anchorage Daily News covering the attorney's recent presentation.

Karen Lewis:

- Spoke pending legislation in other States regarding library books.
- Would like to see legislation in Alaska.

Linda Spawn:

- Spoke to her concerns regarding definitions and books at the library.
- Spoke about additions relating to the books.

Maria Krinock:

- Commented on zoning challenges concerning her recently purchased home in Palmer.

Mike Spawn:

- Appreciate the Council hearing the comments.
- Expressed concerns with the books in the library.

Mike Chmielewski:

- Spoke about the Arctic Winter Games.
- Encourage everyone to attend the Games.

H. PUBLIC HEARINGS

1. **Resolution No. 23-005-B:** A Resolution of the Palmer City Council Amending the City of Palmer Budget for the Fiscal Year Ending December 31, 2023

Mayor Carrington opened the public hearing on Resolution No. 23-005-B.

Seeing no one come forward, Mayor Carrington closed the public hearing.

Manager Moosey addressed the Council.

Main Motion: To Adopt Resolution No. 23-005-B

Moved by:	Tudor
Seconded by:	Alcantara
Vote:	Unanimous
Action:	Motion Carried

2. **Resolution No. 24-016:** A Resolution Authorizing the City Manager to Create a New Position of an On-Call Evidence and Records Custodian at the Palmer Police Department

Mayor Carrington opened the public hearing on Resolution No. 24-016.

Seeing no one come forward, Mayor Carrington closed the public hearing.

Dwayne Shelton, Palmer Police Chief, addressed the Council.

Main Motion: To Adopt Resolution No. 24-016

Moved by:	Melin
Seconded by:	Anzilotti
Vote:	Unanimous
Action:	Motion Carried

*****Clerk’s note: Agenda Item O, Council Member Comments, took place after agenda item H due to Council going into Committee of the Whole, Item N.**

Mayor Carrington called a brief recess at 7:09 p.m., the meeting reconvened at 7:20 p.m. (After Council Member Comments, Agenda Item O.)

I. ACTION MEMORANDA

1. **Action Memorandum No. 24-010:** Approving a Council Community Grant to the 49th State Street Rodders in the Amount of \$1,500 for Their Valley Chrome and Wheel Car Show

Brad Hanson, Community Development Director, provided a staff report.

Main Motion: To Approve Action Memorandum No. 24-010

Moved by:	Alcantra
Seconded by:	Tudor
Vote:	Unanimous
Action:	Motion Carried

- Action Memorandum No. 24-012:** Authorizing the City Manager to Purchase a Vehicle Lift System for Fire Apparatus from Mohawk Lifts Utilizing Insurance Reimbursement Funding from the Flood event at the Fire Department Shop Building

Main Motion: To Approve Action Memorandum No. 24-012

Moved by:	Melin
Seconded by:	Tudor
Vote:	Unanimous
Action:	Motion Carried

- Action Memorandum No. 24-013:** Authorizing the City Manager to Approve High Performance Team Training for Palmer Fire and Rescue in an Amount Not to Exceed \$16,832

Main Motion: To Approve Action Memorandum No. 24-013

Moved by:	Melin
Seconded by:	Alcantra
Vote:	Unanimous
Action:	Motion Carried

- Action Memorandum No. 24-016:** Authorizing the City Manager to Negotiate and Execute a Three-Year Contract with the Palmer Museum of History and Art for the Custodial Care and Curation of the City of Palmer’s Museum Artifacts in the Amount of \$55,400 to Reflect 2024 Payment

Attorney Sarah Heath addressed the Council, and noted she had some minor amendments to the contract.

Main Motion: To Approve Action Memorandum No. 24-016

Moved by:	Cooper
Seconded by:	Alcantra
Vote:	Postponed until the 3.26 meeting
Action:	Postponed

Main Motion: To Postpone Action Memorandum No. 24-016 to the March 26, 2024, Palmer City Council Meeting

Moved by:	Best
Seconded by:	Melin
Vote:	6/1 (Cooper)
Action:	Motion Carried

Motion to Amend: To Authorize the Manager to Make the First Payment of 2024 to the Palmer Museum of History and Art

Moved by:	Tudor
Seconded by:	Best
Vote:	Unanimous
Action:	Motion Carried

J. UNFINISHED BUSINESS

K. NEW BUSINESS

1. **Action Memorandum No. 24-015:** Authorizing the City Manager to Sign a Professional Service Contract for Structural Evaluation for the Repair of the Palmer Public Library with Wolf Architecture Not to Exceed \$21,416

Manager Moosey gave a staff report.

Brad Hanson, Community Development Director, addressed Council.

Main Motion: To Approve Action Memorandum No. 24-015

Moved by:	Melin
Seconded by:	Tudor
Vote:	Unanimous
Action:	Motion Carried

L. RECORD OF ITEMS PLACED ON THE TABLE

Local Mobile Crisis Team Documents
Memo from Council Member Alcantra

M. AUDIENCE PARTICIPATION

Jackie Goforth:

- Spoke to cases referenced in Attorney’s Presentation at the last Council meeting.
- Spoke to community standards regarding library books.

Linda Spawn:

- Would like the Council to make a Resolution to remove the books from the library.

Karen Lewis:

- Spoke to the language in the Miller-Ginsberg test.

Mary Ravetta:

- Spoke to concerns regarding the books in the library.

Mike Chmielewski:

- Spoke to the recent Iditarod win by Dallas Seavey.

N. COMMITTEE OF THE WHOLE

Discussion Regarding City Manager Recruitment (Note: Action may be taken following Committee of the Whole)

Council Member Alcantra stated on the record that he has a conflict of interest due to his application for the Palmer City Manager position. Mayor Carrington ruled that the conflict exists, and Council Member

Alcantra departed the premises.

Main Motion: To Enter into Committee of the Whole

Moved by:	Cooper
Seconded by:	Anzilotti
Vote:	Unanimous
Action:	Motion Carried

Mayor Carrington invited Human Resource Manager, Kimberly Green to participate in the Committee of the Whole regarding City Manager recruitment.

Mayor Carrington called a brief recess at 8:09 p.m., the meeting reconvened at 8:14 p.m.

Main Motion: To Exit Committee of the Whole at 8:45 p.m.

Moved by:	Melin
Seconded by:	Anzilotti
Vote:	Unanimous
Action:	Motion Carried

Main Motion: To interview the following applicants based on prior city management experience:
Susana Stinnett
Patrick Marsh
Kolby Hickel
Kim Zimmerman
Randy Robertson

Moved by:	Melin
Seconded by:	Anzilotti
Vote:	Unanimous
Action:	Motion Carried

O. COUNCIL MEMBER COMMENTS (Took place after Item H. Audience Participation and before Item I. Action Memoranda)

Council Member Tudor:

- Thanked True North Recovery for attending.
- Shout out to the Arctic Winter Games volunteers, also encouraged people to attend.

Council Member Alcantra:

- Thanked the Mayor for moving Council Comments, since he will be leaving early.
- Thanked True North Recovery and Mr. Savage for their presentation.
- Spoke of the Arctic Winter Games, he attended the opening ceremonies and was glad he attended.
- Also encourage people to attend the events.

Council Member Cooper:

- Also attended the Arctic Winter Games opening ceremonies.
- Thanked the City Manager for the pins, everyone loves the moose on them.

Council Member Best:

- Spoke to the Arctic Winter Games, also attended the opening ceremony.
- Enjoyed watching futsal at Palmer High School, which is like indoor soccer, and encouraged the Alaska Sports Association to look at making it a sport in our State.
- Thanked the volunteers.

Deputy Mayor Anzilotti:

- Expressed that she has enjoyed making coffee for the attendees and heard their excitement about being in Palmer.

Council Member Melin:

- Spoke to the Arctic Winter Games and that it is nice to see the excitement around town, fun to see it happening in the community.
- Also encourage people to attend events.
- Appreciated the crisis mobile team for coming out, it is not an easy job to have.
- Conveyed that she would like some more information regarding the short-term rental issue, an equitable relief matter that was brought up in audience participation. Manager Moosey stated he would discuss the issue with her after the meeting.

Mayor Carrington:

- Based on the City Attorney's last presentation, she will be writing a letter to the Attorney General asking for clarification, and to work on State legislation.

****Clerk's Note: Item I. Action Memoranda took place after Item O. Council Member Comments.*

P. ADJOURNMENT

With no further business before the Council, the meeting was adjourned at 8:45 p.m.

Approved this 26th day of March 2024.

Steve Carrington, Mayor

Shelly M. Acteson, CMC, City Clerk



Proclamation E. 3.

Palmer City Council Meeting
Meeting Date: 03/26/2024
Submitted For: Shelly Acteson, City Clerk
Department: City Clerk's Office

Proclamation Purpose

A Proclamation Recognizing Education and Sharing Day on April 19, 2024 - Rabbi Mendy Greenberg

Attachments

Education and Sharing Day



PROCLAMATION

A PROCLAMATION RECOGNIZING EDUCATION AND SHARING DAY

WHEREAS, the basis for the continuity of any society is education; and in the great city of Palmer, the education of our youth is a priority; and

WHEREAS, to achieve its highest goals, education must not only impart knowledge but also teach the students how to live, forming and strengthening their moral character to make a better life for themselves as individuals and for society as a whole; and

WHEREAS, a global spiritual leader, the Rebbe, Rabbi Menachem M. Schneerson, stresses, that a moral and ethical education empowers every individual to develop their full potential in making the world a better place; and

WHEREAS, such an education can nurture the unity of diverse peoples through encouraging increased acts of goodness and kindness, imbued with the awareness that even a single positive act of an individual can change the world and usher in an era of global peace; and

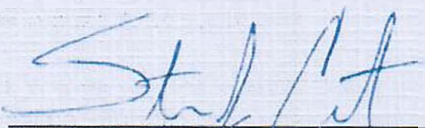
WHEREAS, April 19, 2024 - which this year corresponds to the 11th day of Nisnon on the Jewish calendar - will mark 122 years since the Rebbe's birth, and this year begins the celebrations of the 75th anniversary of his leadership of the Chabad Lubavitch movement. "Chabad" is an acronym of three Hebrew words for "wisdom, understanding and knowledge." The name "Lubavitch" comes from the city which served as the movement's headquarters for over a century and means city of love. Of all the ethical values which inform our civilization, none is more important than love - love of wisdom, love of our fellowman, and love of our Creator. These values, with their roots in the Seven Noahide Laws, have guided the Chabad Lubavitch movement throughout its history, they are the essence of education at its best, and we should be certain to pass on this precious heritage to all young Americans; and

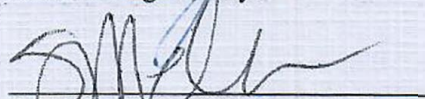
WHEREAS, "Education & Sharing Day" is observed each year on the Rebbe's birthday in recognition of his outstanding and lasting contributions toward the improvement of education, morality, and acts of charity around the world; a day to pause and reflect on our responsibility to ensure our youth have the foundation necessary to lead lives rich in purpose and fulfillment through service and good works; and

NOW, THEREFORE, IT IS PROCLAIMED by the mayor and city council of the city of Palmer, Alaska, Friday, April 19, 2024, to be EDUCATION AND SHARING DAY in the City of Palmer and call upon everyone to work together to create a better, brighter, and more promising future for all.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the seal of the city of Palmer to be affixed on this 26th day of March 2024.




Steve Carrington, Mayor


Shelly Acteson, CMC, City Clerk



Palmer City Council Meeting
Meeting Date: 03/26/2024
Department: City Clerk's Office

F. 2.


Subject
Mayor's Report

Summary Statement/Background

Administration's Recommendation:

Attachments

Mayor's Report



Palmer Mayor's Report

Tuesday March 26, 2024 Council Meeting

Sites of Interest

- **State STIP website:** <https://publicinput.com/stip/>
- **Closing Ceremony for the 2024 Mat-Su Arctic Winter Games:**
<https://app.hometeamlive.com/#/home/events/35>
- **Matsu Valley Planning for Transportation docs:**
<https://www.mvpmo.com/important-documents>

Tribute to Verna Euwer

March 18, 2024, Verna Euwer, long time friend of the Palmer Library, educator, and author, passed away. Our own city website declares:

“This amazing lady has contributed so much to Palmer over the years, as a business owner, educator, volunteer, and author, but we're especially appreciative of all her hard work on behalf of the Palmer Library!”

She helped to found the Friends of the Palmer Library and was the first president. She also took it upon herself to fly down to Juneau multiple times to explain the how and why Palmer needed a new library. In a 2013 Frontiersman article she was asked why she was so invested in the Palmer Library. She had a quote taped insider her folder:

“The library is one of the last decent, honorable things going. This is one of the great keeping places of the memories of man.”

(available : <https://www.palmerak.org/library/page/verna-euwer>, 20240320)

Palmer Mayor's Report

“Gagnon said that Euwer was known not only for being very involved in her community, she was also known to be very determined when she sunk her teeth into a project. She said that even now, in her twilight years, that Euwer seems to be “spunky.”

https://www.frontiersman.com/arts_entertainment/woman-who-helped-bring-a-library-to-palmer-to-be-honored-sunday/article_30a649fc-16ff-11e9-bba3-db694ec09f43.html

Here's a few photos from her moving away event 5 years ago



Palmer Mayor Edna Devries with Verna Euwer and Library Director Beth Skow.

Palmer Mayor's Report



Verda and her cake for the occasion.



Verna telling the attendees to quit stalling and get involved.

When referring to the 1984 Palmer Library...

“She’s the reason why that library exists,” Wasilla Sunrise Rotary member Janel Gagnon said.

https://www.frontiersman.com/arts_entertainment/woman-who-helped-bring-a-library-to-palmer-to-be-honored-sunday/article_30a649fc-16ff-11e9-bba3-db694ec09f43.html

Palmer Mayor's Report



A few of the attendees conversing at the event.

Agenda Highlights

Consent Agenda (approved with the Agenda)

(All items appearing under the Consent Agenda are approved by a single motion and one vote. A Council Member may request to move an item to further down on the agenda)


- Approval of March 12, 2024, Regular Meeting

Proclamation

- A Proclamation Recognizing Education and Sharing Day on April 19, 2024 – Rabbi Mendy Greenberg

Action Memoranda

- Action Memorandum No. 24-015: Authorizing the City Manager to Purchase and Outfit Three New Patrol Vehicles in the Amount of \$228,273.39 and to Purchase Vehicles Under the Governmental and



Palmer Mayor's Report

Proprietary Procurements Section of Palmer Municipal Code 3.21.230 by Attaching to the State of Alaska Contract

- Action Memorandum No. 24-017: Authorizing the City Manager to Spend up to \$50,000 on Grant Writing and Architectural Services from The Capital Projects Funds in the Approved 2024 Budget for the New Public Safety Building Project

Unfinished Business

- Action Memorandum No. 24-016: Authorizing the City Manager to Negotiate and Execute a Three-Year Contract with the Palmer Museum of History and Art for the Custodial Care and Curation of the City of Palmer's Museum Artifacts in the Amount of \$55,400 to Reflect 2024 Payment

New Business

- Approval of Letter to the Attorney General from the City of Palmer

Committee of the Whole


- To discuss Ordinance No. 24-002: Amending Palmer Municipal Code Title 4, Personnel (Action may be taken by the Council following Committee of the Whole) (A Public Hearing will be scheduled in April 2024)

Upcoming

Coming up is a Special Meeting, April 2, 2024 @ 3 p.m. This is when we will be interviewing city manager candidates. The meeting should look like this:

NEW BUSINESS

1. City Council Interview Process Discussion
2. City Manager Interviews
 - Kim Zimmerman - 3:15 pm (Zoom)



Palmer Mayor's Report

- Randy Robertson - 4:00 pm (Zoom)
- Patrick Marsh - 4:45 pm (Zoom)
- Kolby Hickel - 5:30 pm
- Susana Stinnett - 6:15 pm

EXECUTIVE SESSION

- Subjects That Tend to Prejudice the Reputation and Character of Any Person – City Manager Candidates (Note: All city manager candidates may be discussed during the Executive Session. Personnel action regarding the City Manager Candidates may be taken following the Executive Session)

Housing Support

I've had an inquiry for the city to support the Mat-Su Senior Services as they apply for a large grant to build additional apartment complex on their 5.62 acres behind their senior center. The City of Palmer has supported the Senior Center in the past. One time was with a resolution and another time with an IM (Information Memorandum). I am researching which of these will be the most appropriate and bring that to council at a future meeting.

Mayor Steve Carrington



Palmer City Council Meeting
Meeting Date: 03/26/2024
Department: City Clerk's Office

F. 3.

Subject
City Clerk's Report

Summary Statement/Background

Administration's Recommendation:

Attachments

Clerk's Report



Shelly M. Acteson, CMC
City Clerk

Direct: (907) 761-1301
Fax: (907) 745-0930

231 W. Evergreen Ave.
Palmer, Alaska 99645-6952
www.cityofpalmer.org

TO: Mayor Carrington and Council Members
FROM: Shelly M. Acteson
DATE: March 19, 2024
SUBJECT: Report for March 26, 2024, meeting packet

October 1, 2024, Election:

The Absentee by Mail Application for the October 1, 2024, election is available on the COP website and at City Hall. We have received **28** applications so far.

2 Council seats will be on the October 1, 2024, ballot.

The candidate filing period for the election begins on July 15, 8 am, and ends on July 26, 4 pm.

Upcoming Meeting Schedule:

Meeting Date	Meeting Type	Time	Notes
April 2	Special	3 pm	City Manager position interviews
April 9	Regular	6 pm	
April 23	Regular	6 pm	
May 14	Regular	6 pm	
May 28	Regular	6 pm	
June 11	Regular	6 pm	
June 25	Regular	6 pm	

Alaska Association of Municipal Clerks Mentoring Program:

I have signed on as a member of the Mentoring Committee. The Committee provides mentoring relationships between experienced clerks and newer clerks to provide knowledge and support for the profession.



I. 1.

Palmer City Council Meeting

Meeting Date: 03/26/2024
Submitted For: Dwayne Shelton, Police Chief
Department: Police Department
Agenda Category: Action Memorandum
Legislation Number: AM 24-015

Subject

Authorizing the City Manager to Purchase and Outfit Three New Patrol Vehicles in the Amount of \$228,273.39 and to Purchase the Vehicles Under the Governmental and Proprietary Procurements Section of Palmer Municipal Code 3.21.230 by Attaching to the State of Alaska Contract

Summary Statement/Background

In the 2024 City of Palmer Council approved budget, funds were budgeted for the purchase and outfitting of 3 new police patrol vehicles.

This action memorandum authorizes the city manager to purchase three new police vehicles from Kendall Ford at a cost of \$50,260.00 each using the current State of Alaska contract pricing. This action memorandum also authorizes additional funds in the amount of \$19,058 per vehicle to be used for the purchase and installation of the emergency vehicle equipment required for safe patrol operations. There is an additional cost of approximately \$6773.13 per vehicle for the purchase of an incae video system. The emergency equipment and installation will be from Alaska Safety Inc., also using current State of Alaska contract pricing. The total cost to purchase and outfit all three vehicles is \$228,273.39.

The City of Palmer Administration chose to take advantage of its ability to attach to the State of Alaska contract for the purchase of patrol vehicles for the following reasons:

- The City of Palmer did not bear the expense and resources of preparing and carrying out the typical bid process;
- The City of Palmer, by attaching itself to the State of Alaska that purchases many light duty vehicles per year, enjoys a greater discount versus buying patrol vehicles every few years; and
- The City of Palmer benefits from the fact that the State of Alaska procurement is locked into fuel, freight, and production rates based on last fall's pricing that is normally lower than the escalating fuel and steel surcharges that have increased shipping and production costs.

3.21.230 Governmental and proprietary procurements

A. The purchasing officer may contract, without the use of the competitive source selection procedures of this chapter, for the following supplies, services, professional services or construction:

1. For contracts, including reimbursable agreements with federal, state or local units of government or utility provider where the city has a financial responsibility or beneficial interest in entering into an agreement.
2. For contracts issued pursuant to any federal, state, or local government contract where the city is an authorized user, or where the resulting contractor agrees to extend the same terms, conditions, and pricing to the city as those awarded under the original contract, all in accordance with PMC 3.21.240. Such agreements shall be limited to those contracts where the award is issued pursuant to a formally advertised solicitation.
3. For contracts where the purchasing officer determines in writing that the city's requirements reasonably limit the source for the supplies, services, professional service or construction to one person.

B. All contract awards under this section, and any amendments thereto, shall be subject to the applicable approval requirements of PMC 3.21.090 prior to execution.

C. No contractor may provide supplies, services, professional services, or construction to the city before the applicable requirements of this section are first satisfied.

Administration's Recommendation:

Approve Action Memorandum No. 24-015.

	Fiscal Impact
Total Amount of funds listed in this legislation:	\$228,273.39
Legislation creates expenditure in the amount of:	\$228,273.39
Budgeted Y/N?:	Y

Line Item(s):

09-01-10-6048 PoliceVehicle Replacement

Attachments

Vehicle Pricing
Equipment Pricing
Vdeo Equipment

Prepared for: Dwayne Shelton, Palmer Police Dept.

Office: 907-746-9413 | Mobile: 907-982-9067

Email: dashelton@palmerpolice.com

**PRICE \$50,260
SPECIAL ORDER
FOB ANCHORAGE**

*UTILIZING STATE CONTRACT PRICING REF#CA2217-20

2025 Police Interceptor Utility AWD Base (K8A)

Price Level: 515

Client Proposal

Prepared by:

Justin Potter

Office: 907-793-8213

Email: justinpotter@kendallauto.com

Date: 02/27/2024



Kendall Ford Fleet | 431 Unga Street, Anchorage, Alaska, 99501

Office: 907-793-8233

Prepared for: Dwayne Shelton

Palmer Police Dept.

Prepared by: Justin Potter

02/27/2024



Kendall Ford Fleet | 431 Unga Street Anchorage Alaska | 99501

2025 Police Interceptor Utility AWD Base (K8A)

Price Level: 515

As Configured Vehicle

Code	Description
Base Vehicle	
K8A	Base Vehicle Price (K8A)
Packages	
500A	Order Code 500A <i>Includes:</i> - 3.73 Axle Ratio - GVWR: 6,840 lbs (3,103 kgs) - Tires: 255/60R18 AS BSW - Wheels: 18" x 8" 5-Spoke Painted Black Steel <i>Includes polished stainless steel hub cover and center caps.</i> - Unique HD Cloth Front Bucket Seats w/Vinyl Rear <i>Includes reduced bolsters, 6-way power track driver seat (fore/aft, up/down, tilt with manual recline, 2-way power lumbar), 4-way power track passenger seat with 2-way power recline and 2-way power lumbar and built-in steel intrusion plates in both driver/passenger seatbacks.</i> - Radio: AM/FM/MP3 Capable <i>Includes 100 watt siren/speaker prep kit, clock, 4 speakers, 1 USB port and 8" color LCD screen center-stack smart display, supports Android Auto and Apple CarPlay and fleet telematics modem.</i> - SYNC Phoenix Communication & Entertainment System <i>Includes hands-free voice command support compatible with most Bluetooth connected mobile devices, 911 Assist, VHR, SYNC Services, AppLink, Bluetooth, steering wheel controls, USB port and auxiliary input jack.</i>
Powertrain	
99B	Engine: 3.3L V6 Direct-Injection (FFV) <i>(136-MPH top speed). Deletes regenerative braking and lithium-ion battery pack; adds 250-amp alternator, replaces H7 AGM battery (800 CCA/80-amp) with H7 SLI battery (730 CCA/80-amp) and replaces 19-gallon tank with 21.4-gallon tank.</i>
44U	Transmission: 10-Speed Automatic (44U)
STDAX	3.73 Axle Ratio
STDGV	GVWR: 6,840 lbs (3,103 kgs)
Wheels & Tires	
STDTR	Tires: 255/60R18 AS BSW
STDWL	Wheels: 18" x 8" 5-Spoke Painted Black Steel <i>Includes polished stainless steel hub cover and center caps.</i>
Seats & Seat Trim	
9	Unique HD Cloth Front Bucket Seats w/Vinyl Rear

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

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Palmer Police Dept.

Prepared by: Justin Potter

02/27/2024



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2025 Police Interceptor Utility AWD Base (K8A)

Price Level: 515

As Configured Vehicle (cont'd)

Code	Description
	<i>Includes reduced bolsters, 6-way power track driver seat (fore/aft, up/down, tilt with manual recline, 2-way power lumbar), 4-way power track passenger seat with 2-way power recline and 2-way power lumbar and built-in steel intrusion plates in both driver/passenger seatbacks.</i>
Other Options	
PAINT	Monotone Paint Application
119WB	119" Wheelbase
STDRD	Radio: AM/FM/MP3 Capable Allows data to be provided to support Ford Pro telematics and data services via optional subscription, including but not limited to vehicle location, speed, idle time, fuel, vehicle diagnostics and maintenance alerts. Device enables optional telematics services through Ford or authorized providers via paid subscription. Subscribe at https://fordpro.com/en-us/telematics/ or call 1-833-811-FORD (3673). <i>Includes 100 watt siren/speaker prep kit, clock, 4 speakers, 1 USB port and 8" color LCD screen center-stack smart display, supports Android Auto and Apple CarPlay and fleet telematics modem.</i> <i>Includes:</i> - SYNC Phoenix Communication & Entertainment System <i>Includes hands-free voice command support compatible with most Bluetooth connected mobile devices, 911 Assist, VHR, SYNC Services, AppLink, Bluetooth, steering wheel controls, USB port and auxiliary input jack.</i>
66A	Front Headlamp Lighting Solution Recommend using ultimate wiring package (67U). <i>Includes LED low beam/high beam headlamp, wig-wag function and (2) red/blue/white LED side warning lights in each headlamp (factory configured: driver's side white/red/passenger side white/blue). Wiring and LED lights included (in headlamps only; grille lights not included). Controller not included.</i> <i>Includes:</i> - Grille LED Lights, Siren & Speaker Pre-Wiring
66C	Rear Lighting Solution Recommend using ultimate wiring package (67U). <i>Includes (2) backlit flashing linear high-intensity LED lights (driver's side red/passenger side blue) mounted to inside liftgate glass and (2) backlit flashing linear high-intensity LED lights (driver's side red/passenger side blue) installed on inside lip of liftgate (lights activate when liftgate is open). LED lights only. Wiring and controller not included.</i>
41H	Engine Block Heater
153	Front License Plate Bracket
51R	Driver Only LED Bulb Spot Lamp (Unity)

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Price Level: 515

As Configured Vehicle (cont'd)

Code	Description
76D	Underbody Deflector Plate <i>Engine and transmission shield.</i>
68G	Rear-Door Controls Inoperable <i>Locks, handles and windows. Can manually remove window or door disable plate with special tool. Locks/windows operable from driver's door switches.</i>
59J	Keyed Alike - 1111x
85R	Rear Console Plate <i>Contours through 2nd row; channel for wiring.</i>

Emissions

425	50-State Emissions System Flexible Fuel Vehicle (FFV) system is standard equipment for vehicles equipped with the 3.3L V6 Direct-Injection engine.
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Exterior Color

UM_01	Agate Black
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Interior Color

9W_01	Charcoal Black w/Unique HD Cloth Front Bucket Seats w/Vinyl Rear
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2025 Police Interceptor Utility AWD Base (K8A)

Price Level: 515

Selected Equip & Specs

Dimensions

- Conventional Capacity: 5,000 lbs.
- Vehicle body width: 82.6"
- Wheelbase: 119.1"
- Rear track: 66.9"
- Interior rear cargo volume with seats folded: 90.3 cu.ft.
- Total passenger volume: 118.0 cu.ft.
- Headroom second-row: 40.4"
- Leg room second-row: 40.7"
- Shoulder room second-row: 61.3"
- Hip room second-row: 59.1"
- Vehicle body length: 198.8"
- Vehicle body height: 69.3"
- Front track: 66.9"
- Interior rear cargo volume: 52.0 cu.ft.
- Max interior rear cargo volume: 90.3 cu.ft.
- Headroom first-row: 40.7"
- Leg room first-row: 43.0"
- Shoulder room first-row: 61.8"
- Hip room first-row: 59.3"

Powertrain

- * **3.3L V-6 gasoline direct injection, DOHC, variable valve control, engine with 285HP**
- Spark ignition system
- Torque: 260 lb.-ft. @4000 RPM
- Engine oil cooler
- 10-speed automatic
- All-wheel drive
- Easy Fuel capless fuel filler
- Permanent locking hub control
- Engine cylinders: V-6
- Horsepower: 285 HP@6500 RPM
- * **Engine block heater**
- Heavy-duty radiator
- Automatic full-time AWD
- Recommended fuel: regular unleaded
- All-speed ABS and driveline traction control

Fuel Economy and Emissions

- Gasoline secondary fuel type
- * **E85 additional fuel types**
- ULEV II emissions

Suspension and Handling

- Standard ride suspension
- Gas-pressurized rear shock absorbers
- Gas-pressurized front shock absorbers

Driveability

- 4-wheel disc brakes
- 4-wheel antilock (ABS) brakes
- Brake assist system
- Independent front suspension
- Front anti-roll bar
- Independent rear suspension
- Rear anti-roll bar
- Rack-pinion steering
- Front and rear ventilated disc brakes
- Four channel ABS brakes
- Hill start assist
- Strut front suspension
- Front coil springs
- Multi-link rear suspension
- Electric power-assist steering system
- 2-wheel steering system

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Price Level: 515

Selected Equip & Specs (cont'd)

Body Exterior

- Trailer wiring harness
- Clearcoat paint
- Body-coloured bodyside cladding
- Black side window trim
- Black door handles
- Black front bumper rub strip
- Body-coloured rear bumper
- Black grille
- * **Exterior mirror LED spot lights**
- Convex spotter in driver and passenger side door mirrors
- Conventional right rear passenger door
- P255/60RW18 AS BSW front and rear tires
- 4 doors
- Monotone paint
- Black wheel well trim
- Black windshield trim
- Body-coloured front bumper
- Front tow hook
- Black rear bumper rub strip
- Black door mirrors
- Standard style side mirrors
- Conventional left rear passenger door
- Liftgate rear cargo door
- 18 x 8-inch front and rear black steel wheels

Convenience

- Power door locks
- Power tailgate/rear door lock
- Day/Night rearview mirror
- Cargo area tray/organizer
- Power cargo area access release
- Heated rear wiper park
- Fixed rear windshield
- 2 beverage holders
- Dashboard storage
- PRND in IP
- Keyfob activated front door locks
- Cruise control with steering wheel mounted controls
- Power first-row windows
- Driver foot rest
- Fixed interval rear windshield wipers
- Rear window defroster
- Locking glove box
- Driver and passenger door bins
- Retained accessory power
- Trip computer

Comfort

- Automatic climate control
- Rear climate control system
- Rear under seat climate control ducts
- Full headliner coverage
- Full floor coverage
- Carpet rear seatback upholstery
- Manual telescopic steering wheel
- Dual-zone front climate control
- Cabin air filter
- Cloth headliner material
- Full vinyl floor covering
- Vinyl rear seat upholstery
- Manual tilting steering wheel
- Urethane steering wheel

Seats and Trim

- Seating capacity: 5
- Driver seat with 8-way directional controls
- Height adjustable front seat head restraints
- Bucket front seats
- Front passenger seat with 4-way directional controls
- Manual front seat head restraint control

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Price Level: 515

Selected Equip & Specs (cont'd)

- Manual reclining driver seat
- Power driver seat fore/aft control
- Power reclining passenger seat
- Fixed rear seats
- Height adjustable rear seat head restraints
- Front passenger seat with 2-way power lumbar
- Power height adjustable driver seat
- Power driver seat cushion tilt
- Power passenger seat fore/aft control
- Split-bench rear seat
- Driver seat with 2-way power lumbar
- Cloth front seat upholstery

Entertainment Features

- 1 total number of 1st row displays
- Primary touchscreen display
- In-vehicle audio
- FM radio
- External memory control
- Standard grade speakers
- Voice activated audio controls
- Wireless audio streaming
- 8 inch primary LCD display
- AM/FM stereo radio
- AM radio
- Seek scan
- Speakers number: 4
- Steering wheel mounted audio controls
- Speed sensitive volume
- Integrated roof audio antenna

Lighting, Visibility and Instrumentation

- Metal-look instrument panel insert
- Trip odometer
- Driver information center
- Gauge cluster display size (inches): 12.30
- Engine/electric motor temperature gauge
- Traction battery level gauge
- Projector beam headlights
- Auto on/off headlight control
- Variable intermittent front windshield wipers
- Front reading lights
- Variable instrument panel light
- LED brake lights
- Digital/analog instrumentation display
- In-radio display clock
- Redundant digital speedometer
- Tachometer
- Engine hour meter
- Deep tinted windows
- LED low and high beam headlights
- Multiple enclosed headlights
- Speed sensitive wipers
- Rear reading lights
- High mounted center stop light
- Fade interior courtesy lights

Technology and Telematics

- Bluetooth handsfree wireless device connectivity
- Fleet Telematics Modem selective service internet access
- Smart device mirroring
- 2 USB ports

Safety and Security

- Driver front impact airbag
- Curtain first and second-row overhead airbags
- Seat mounted side impact front passenger airbag
- Passenger side knee airbag
- Rear seat center 3-point seatbelt
- Seat mounted side impact driver airbag
- Passenger front impact airbag
- Airbag occupancy sensor
- 7 airbags
- Front height adjustable seatbelts

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Price Level: 515

Selected Equip & Specs (cont'd)

- Front seatbelt pretensioners
- Vehicle tracker
- BLIS (Blind Spot Information System)
- Rear Cross-Traffic Braking collision mitigation
- External acoustic pedestrian alert
- Electronic stability control system with anti-roll
- Manual rear child safety door locks
- 2 seatbelt pre-tensioners
- Security system
- Pre-Collision Assist with Pedestrian Detection
- Pre-Collision Assist with Pedestrian Detection
- Rear camera with washer
- Reverse Sensing System rear parking sensors

Dimensions

General Weights

* Curb weight	4,718 lbs.	* GVWR	6,465 lbs.
Payload	1,670 lbs.		

Trailer Weights

Conventional capacity	5,000 lbs.
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Off Road

Min ground clearance	7.6"	Loading floor height	30.9 "
Approach angle	19.3	Departure angle	21.4

Exterior Measurements

Vehicle body length	198.8"	Vehicle body width	82.6"
Vehicle body height	69.3"	Wheelbase	119.1"
Front track	66.9"	Rear track	66.9"

Interior Measurements

Interior rear cargo volume	52.0 cu.ft.	Max interior rear cargo volume	90.3 cu.ft.
Interior cargo area max width	47.9 "	Interior rear cargo volume with seats folded	90.3 cu.ft.
Length to rear seat	46.2 "		

Interior Volume

Total passenger volume	118.0 cu.ft.
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Headroom

Headroom first-row	40.7"	Headroom second-row	40.4"
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Legroom

Leg room first-row	43.0"	Leg room second-row	40.7"
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Shoulder Room

Shoulder room first-row	61.8"	Shoulder room second-row	61.3"
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Hip Room

Hip room first-row	59.3"	Hip room second-row	59.1"
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2025 Police Interceptor Utility AWD Base (K8A)

Price Level: 515

Selected Equip & Specs (cont'd)

Powertrain

Engine

* **Engine** ... **3.3L V-6 gasoline direct injection, DOHC, variable valve control, engine with 285HP**

Engine cylinders V-6
Ignition Spark ignition system

Engine block material Iron engine block

Valves per cylinder 4

Engine location Front mounted engine
Engine mounting direction Longitudinal mounted engine
Cylinder head material Aluminum cylinder head

Engine Specs

Displacement 3.3L
Bore 3.56"
Compression ratio 12.0

cc 204 cu.in.
Stroke 3.41"

Engine Power

Horsepower 285 HP@6500 RPM

Torque 260 lb.-ft. @4000 RPM

Alternator

* **Alternator amps** **250A**

* **Alternator type** **Regular duty alternator**

Battery

Battery amps 92Ah
* **Battery rating** **730CCA**

* **Battery type** **Lead acid battery**

Engine Extras

* **Block heater** **Engine block heater**
Radiator Heavy-duty radiator

Engine cooler Engine oil cooler

Transmission

Transmission 10-speed automatic

Overdrive transmission Overdrive transmission
First gear ratio 4.696
Third gear ratio 2.146
Fifth gear ratio 1.52
Reverse gear ratio 4.866
Eighth gear ratio 0.854
Tenth gear ratio 0.636

Transmission electronic control Transmission electronic control
Lock-up transmission Lock-up transmission
Second gear ratio 2.985
Fourth gear ratio 1.769
Sixth gear ratio 1.275
Seventh gear ratio 1
Ninth gear ratio 0.689
Selectable mode transmission Selectable mode transmission

Transmission oil cooler Transmission oil cooler

Drive Type

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Price Level: 515

Selected Equip & Specs (cont'd)

4WD type Automatic full-time AWD

Drive type All-wheel drive

Drivetrain

Axle ratio 3.73

Exhaust

Tailpipe Stainless steel dual exhaust

Fuel

Fuel type regular unleaded

Fuel Tank

Capless fuel filler Easy Fuel capless fuel filler

*** Fuel tank capacity 21.40 gal.**

Drive Feature

Traction control All-speed ABS and driveline traction control

Locking hub control Permanent locking hub control

Provisions

Provisions Police/fire provisions

Fuel Economy and Emissions

Fuel Economy

Secondary fuel type Gasoline secondary fuel type

Emissions

Emissions ULEV II emissions

Emissions tiers Tier 2 Bin 5 emissions

Fuel Economy (Alternate 1)

*** Additional fuel types E85 additional fuel types**

Suspension and Handling

Suspension

Suspension Standard ride suspension

Front shock absorbers Gas-pressurized front shock absorbers

Rear shock absorbers Gas-pressurized rear shock absorbers

Driveability

Brakes

Brake type 4-wheel disc brakes

Ventilated brakes Front and rear ventilated disc brakes

ABS brakes Four channel ABS brakes

ABS brakes 4-wheel antilock (ABS) brakes

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Price Level: 515

Selected Equip & Specs (cont'd)

Brake Assistance

Hill start assist Hill start assist Brake assist system Brake assist system

Front Suspension

Anti-roll bar front Front anti-roll bar Suspension ride type front Independent front suspension

Suspension type front Strut front suspension

Front Spring

Regular front springs Regular front springs Springs front Front coil springs

Rear Spring

Springs rear Rear coil springs Rear springs Regular grade rear springs

Rear Suspension

Anti-roll bar rear Rear anti-roll bar Suspension type rear Multi-link rear suspension

Suspension ride type rear Independent rear suspension

Steering

Steering Electric power-assist steering system Steering type Rack-pinion steering

Steering type number of wheels 2-wheel steering system

Exterior

Front Wheels

Front wheels diameter 18" Front wheels width 8"

Rear Wheels

Rear wheels diameter 18" Rear wheels width 8"

Front And Rear Wheels

Appearance black Material steel

Front Tires

Aspect 60 Diameter 18"
Sidewalls BSW Speed W
Tread AS Type P
Width 255mm

Rear Tires

Aspect 60 Diameter 18"
Sidewalls BSW Speed W
Tread AS Type P
Width 255mm

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Price Level: 515

Selected Equip & Specs (cont'd)

Body Exterior

Trailer

Towing capability Trailer towing capability Towing class Class III tow rating
Towing hitch Trailer hitch Towing wiring harness Trailer wiring harness

Exterior Features

Number of doors 4 doors * Skid plate 1 underbody skid plate

* License plate front bracket **Front license plate bracket**

Body

Body panels ... Galvanized steel and aluminum body panels with side impact beams

Mirrors

Convex spotter ... Convex spotter in driver and passenger side door mirrors

Spare Tire

Spare tire ... Full-size spare tire with steel wheel Spare tire location Spare tire mounted under the cargo floor

Aerodynamics

Spoiler Rear lip spoiler

Wheels

Wheel covers Wheel hub covers

Convenience

Door Locks

Door locks Power door locks Keyfob door locks ... Keyfob activated front door locks

Tailgate control ... Power tailgate/rear door lock

Cruise Control

Cruise control Cruise control with steering wheel mounted controls

Rear View Mirror

Day/Night rearview mirror Day/Night rearview mirror

Exterior Mirrors

Door mirrors Power door mirrors Folding door mirrors Manual folding door mirrors

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2025 Police Interceptor Utility AWD Base (K8A)

Price Level: 515

Selected Equip & Specs (cont'd)

Front Side Windows

First-row windows Power first-row windows

Overhead Console

Overhead console Mini overhead console
Overhead console storage Overhead console storage

Driver Visor

Visor driver mirror Driver visor mirror

Passenger Visor

Visor passenger mirror Passenger visor mirror

Power Outlets

12V power outlets 2 12V power outlets

Cargo Features

Cargo tie downs Cargo area tie downs
Cargo light Cargo area light

Cargo Trim

Cargo floor type Carpet cargo area floor
Trunk lid trim Plastic trunk lid trim

Pedals

Driver foot rest Driver foot rest

Remote Releases

Cargo access Power cargo area access release

Rear Windshield

Rear window defroster Rear window defroster
Rear windshield wipers Fixed interval rear windshield wipers
Rear windshield Fixed rear windshield
Heated wiper area Heated rear wiper park

Storage

Door bins front Driver and passenger door bins
Glove box Locking glove box
Number of beverage holders 2 beverage holders
Dashboard storage Dashboard storage

Windows Feature

One-touch up window Driver and passenger one-touch up windows
One-touch down window Driver and passenger one-touch down windows

Windows Rear Side

Second-row windows Power second-row windows
Third-row windows Fixed third-row windows

Miscellaneous

Trip computer Trip computer
PRND in IP PRND in IP

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Price Level: 515

Selected Equip & Specs (cont'd)

Accessory power Retained accessory power

Comfort

Climate Control

Climate control Automatic climate control

Dual-zone front climate control Dual-zone front climate control

Cabin air filter Cabin air filter

Rear climate controlRear climate control system

Rear under seat ducts... Rear under seat climate control ducts

Headliner

Headliner material Cloth headliner material

Headliner coverage Full headliner coverage

Door Trim

Door panel insert... Metal-look door panel insert

Floor Trim

Floor covering Full vinyl floor covering

Floor coverage Full floor coverage

Second-Row Seat Trim

Rear seat upholstery... Vinyl rear seat upholstery

Rear seatback upholstery... Carpet rear seatback upholstery

Steering Wheel

Steering wheel telescopic Manual telescopic steering wheel

Steering wheel material Urethane steering wheel

Steering wheel tilt... Manual tilting steering wheel

Seats and Trim

Seat Capacity

Seating capacity 5

Front Seats

Driver seat direction Driver seat with 8-way directional controls

Height adjustable driver seat Power height adjustable driver seat

Driver seat fore/aft control Power driver seat fore/aft control

Driver seat cushion tiltPower driver seat cushion tilt

Passenger seat direction... Front passenger seat with 4-way directional controls

Split front seats Bucket front seats

Reclining passenger seat Power reclining passenger seat

Passenger seat fore/aft control... Power passenger seat fore/aft control

Front head restraints... Height adjustable front seat head restraints

Front head restraint control..... Manual front seat head restraint control

Reclining driver seatManual reclining driver seat

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Price Level: 515

Selected Equip & Specs (cont'd)

Rear Seats

Bench seats	Split-bench rear seat	Rear seats fixed or removable	Fixed rear seats
Folding second-row seats	35-30-35 folding rear seats	Rear seat direction	Front facing rear seat
Rear seat folding position	Fold forward rear seatback	Rear head restraints	Height adjustable rear seat head restraints
Rear head restraint control	Manual rear seat head restraint control	Number of rear head restraints	3 rear seat head restraints

Lumbar Seats

Driver lumbar	Driver seat with 2-way power lumbar	Front passenger lumbar	Front passenger seat with 2-way power lumbar
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Front Seat Trim

Front seat upholstery	Cloth front seat upholstery	Front seatback upholstery	Vinyl front seatback upholstery
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Interior Accents

Interior accents	Metal-look interior accents
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Gearshifter Material

Gearshifter material	Urethane gear shifter material
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Entertainment Features

LCD Displays

Primary touchscreen display	Primary touchscreen display	Number of first-row LCD displays	1 total number of 1st row displays
LCD primary display size	8 inch primary LCD display		

Radio Features

External memory	External memory control	Seek scan	Seek scan
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Speakers

Speakers	Standard grade speakers	Speakers number	4
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Audio Features

Steering mounted audio control	Steering wheel mounted audio controls	Speed sensitive volume	Speed sensitive volume
Voice activated audio	Voice activated audio controls	Wireless streaming	Wireless audio streaming

Lighting, Visibility and Instrumentation

Instrument Panel Trim

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2025 Police Interceptor Utility AWD Base (K8A)

Price Level: 515

Selected Equip & Specs (cont'd)

Panel insert Metal-look instrument panel insert

Instrumentation

Trip odometer Trip odometer

Instrumentation display Digital/analog instrumentation display

Instrumentation Displays

Speedometer .. Redundant digital speedometer

Driver information center Driver information center

Clock In-radio display clock

Instrumentation Gauges

Tachometer Tachometer

Traction battery level gauge Traction battery level gauge

Engine/electric motor temperature gauge Engine/electric motor temperature gauge

Gauge cluster display size (inches) 12.30

Engine hour meter Engine hour meter

Instrumentation Warnings

Engine temperature warning .. Engine temperature warning

Oil pressure warning Oil pressure warning

Low fuel warning Low fuel warning

Low washer fluid warning Low washer fluid warning

Low brake fluid warning .. Low brake fluid warning

Battery charge warning .. Battery charge warning

Headlights on reminder .. Headlights on reminder

Key in vehicle warning Key in vehicle warning

Door ajar warning Door ajar warning

Trunk warning Rear cargo ajar warning

Service interval warning Service interval indicator

Low tire pressure warning Tire specific low air pressure warning

Glass

Tinted windows Deep tinted windows

Headlights

Headlights LED low and high beam headlights

Headlight type Projector beam headlights

Auto headlights Auto on/off headlight control

Multiple headlights Multiple enclosed headlights

Front Windshield

Wipers .. Variable intermittent front windshield wipers

Speed sensitive wipers Speed sensitive wipers

Interior Lighting

Variable panel light Variable instrument panel light

Front reading lights Front reading lights

Rear reading lights Rear reading lights

Lights

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Price Level: 515

Selected Equip & Specs (cont'd)

Interior courtesy lights	Fade interior courtesy lights	LED brake lights	LED brake lights
lights			
High mount stop light	High mounted center stop light		

Technology and Telematics

Connectivity

Handsfree	Bluetooth handsfree wireless device connectivity	Smart device integration	Smart device mirroring
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Internet Access

Internet access	Fleet Telematics Modem selective service internet access
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USB Ports

USB ports	2 USB ports
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Safety and Security

Airbags

Front impact airbag driver	Driver front impact airbag	Number of airbags	7 airbags
Front impact airbag passenger	Passenger front impact airbag	Knee airbag	Passenger side knee airbag
Front side impact airbag driver	Seat mounted side impact driver airbag	Front side impact airbag passenger	Seat mounted side impact front passenger airbag
Occupancy sensor	Airbag occupancy sensor	Overhead airbags	Curtain first and second-row overhead airbags

Seatbelts

3-point seatbelt	Rear seat center 3-point seatbelt	Height adjustable seatbelts	Front height adjustable seatbelts
Seatbelt pretensioners	Front seatbelt pretensioners	Seatbelt pretensioners number	2 seatbelt pretensioners

Security System

Vehicle tracker	Vehicle tracker	Security system	Security system
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Active Driving Assistance

Blind spot	BLIS (Blind Spot Information System)	Forward collision warning	Pre-Collision Assist with Pedestrian Detection
Rear collision warning	Rear Cross-Traffic Braking collision mitigation	Pedestrian detection	Pre-Collision Assist with Pedestrian Detection
External acoustic pedestrian alert	External acoustic pedestrian alert		

Prepared for: Dwayne Shelton

Palmer Police Dept.

Prepared by: Justin Potter

02/27/2024



Kendall Ford Fleet | 431 Unga Street Anchorage Alaska | 99501

2025 Police Interceptor Utility AWD Base (K8A)

Price Level: 515

Selected Equip & Specs (cont'd)

Cameras

Rear camera Rear camera with washer

Traction Control

Electronic stability control Electronic stability control system with anti-roll

Parking Sensors

Parking sensors Reverse Sensing System rear parking sensors

Occupant Safety

Child door locks Manual rear child safety door locks

Alaska Safety - Wasilla

Alaska Safety Inc.
 4621 E Palmer-Wasilla Hwy Ste 107
 Wasilla, AK 99654
 Phone: (907) 373-5661 Fax: (907) 864-0789

Quotation# 005043

Account ID 00001143	Contact Dwayne Shelton	
Customer PO None	Telephone (907) 745-4811	Facsimile (907) 745-4276

Bill To:

City of Palmer
 Accounts Payable
 231 W. Evergreen Ave.
 Palmer, AK 99645

Ship To:

City of Palmer
 Police Dept.
 423 S. Valley Way
 Palmer, AK 99645

Special Order Drop Ship

Quote Date 03/05/2024	Comments Ford PIU Full Package			Special Instructions		Terms NET 30
Ship Via WC	Date Required 03/05/2024	FOB Anchorage	Prepared By LC	Order#	Salesperson Jon Hooyer	
Quantity	Item#	Description			Price	Total

1 EACH	STGK10301S1USSCAXL	*Dual T-Rail Mount w/Locks, 1small,1XL			\$450.00	\$450.00
1 EACH	STBK0534ITU20	PB400 Pushbumper, Ford PIU, 2020			\$550.00	\$550.00
1 EACH	STPK1129ITU20	10 VS Partition, XL for 2020 Police SUV			\$929.00	\$929.00
1 EACH	STWK0514ITU20	Window Barriers, 2020 Ford PIU			\$310.00	\$310.00
1 EACH	ADUI2011	Prisoner Seat/ Partition,Ford PIU, 2020 Includes seat belt kit that will buckle on the outside, and 1/2 cage for behind prisoners.This is for the 2020 Ford Police Interceptor Utility.			\$1,300.00	\$1,300.00
1 EACH	WHC399	Whelen CenCom CORE Sire Control Sys. Includes: CCTL6: Rotary Knob Control Head for Core C399K4, OBDII Install Kit for 2025 Ford PIU			\$1,200.00	\$1,200.00
1 EACH	WHCB2DDEE	Whelen Cenator LED Duo Lightbar, R/W-B/W 54" LED Lightbar R/W B/W			\$1,800.00	\$1,800.00
1 EACH	IN4910LR-152-LTRK	Law Enforcements 2D imaging scanner kit L-Tron Microphone Style with: Microphone Clip, Microphone Hanger, Coiled USB Interface Cable.			\$425.00	\$425.00
1 EACH	HSC-ARPB-103	Brother PocketJet 6 Printer Mount w/ Arm Arm rest printer bracket: side mounted pedestal,Brother PocketJet 6 and Brother PJ-673 compact Wi-Fi PocketJet printer mount. Paper loads from end of housing by removing a "spin on" cap, 4" inches adjustable height.			\$295.00	\$295.00
1 EACH	HSPKG-PSM-3006	Comp Pass side Mt Sys Prem 20 Ford PIU Premium passenger side mount package for 2020 Ford Interceptor Utility Includes a heavy-duty vehicle specific base plate, heavy-duty pole with height adjust handle, swing arm motion device with tilt-swivel and stability support.			\$690.00	\$690.00
1 EACH	SH14.0434	*Multi Power Port w/ USB outlets This versatile accessory box combines three adapter plug outlets with four USB ports to provide a space-saving and hassle-free way to control equipment			\$35.00	\$35.00

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Quote Date 03/05/2024	Comments Ford PIU Full Package	Special Instructions	Terms NET 30
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Ship Via WC	Date Required 03/05/2024	FOB Anchorage	Prepared By LC	Order#	Salesperson Jon Hooyer
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Quantity	Item#	Description	Price	Total
6 EACH	SOEMPS2STS5RBW	mPower Fascia Stud Mount LED, R/B/W mpowerT 4" Fascia Light w/ Stud Mount, 18" hard wire w/ sync option, SAE Class 1 & CA Title 13, 9-32 Vdc, Black Housing, 18 LED, Tri Color - Red/Blue/White	\$150.00	\$900.00
		FRONT OF PUSHBUMPER		
1 EACH	SOENT3B3D	*Intersector Surface Mount, Red/White Intersector LED Light has 9 Generation3 LED light heads per unit. 180 Degree. Dual Color, Red and White	\$195.00	\$195.00
		LT PUSHBUMPER		
1 EACH	SOENT3B3E	*Intersector Surface Mount, Blue/White Intersector LED Light has 9 Generation3 LED light heads per unit. 180 Degree. Dual Color, Blue and White	\$195.00	\$195.00
		RT PUSHBUMPER		
1 EACH	SOETISSO-07+	*Ignition Security System 07 Anti Theft Replaces ETISSO-P	\$95.00	\$95.00
1 EACH	SOECVDMLTST4	*Dome Light LED Gen II PRISONER AREA	\$40.00	\$40.00
2 EACH	PEC3900U	*Siren Speaker, 100watt compact,w/mount	\$235.00	\$470.00
1 EACH	RI22000	*Radiance PLUS 20" White/Clear 12 vdc New Model # 220003	\$395.00	\$395.00
3 EACH	INMMSU-1	*Magnetic Mic Clip Kit	\$40.00	\$120.00
1 EACH	KSRP832	Raptor RP-1 Dual K Band Antenna Raptor RP-1, Dual K-Band Antenna, Directional Mode All Raptor RP-1 units include display, counting unit, antenna (s), choice of wired or wireless remote, choice of antenna and display mounts, two tuning forks, vehicle speed sensor (VSS) cable which enables auto mode switching, 12 VDC power cable, and operator's manual.	\$1,700.00	\$1,700.00
1 EACH	LABOR	Install Shop Labor	\$3,900.00	\$3,900.00

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 4621 E Palmer-Wasilla Hwy Ste 107
 Wasilla, AK 99654
 Phone: (907) 373-5661 Fax: (907) 864-0789

Quotation# **005043**

Account ID 00001143	Contact Dwayne Shelton	
Customer PO None	Telephone (907) 745-4811	Facsimile (907) 745-4276

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Ship Via WC	Date Required 03/05/2024	FOB Anchorage	Prepared By LC	Order#	Salesperson Jon Hooyer	
Quantity	Item#	Description			Price	Total

1 EACH	INSS	Shop Supplies, Covers, Wire,etc..			\$295.00	\$295.00
1 EACH	TYCC-20-UV10-L8	*Console, 2020 PIU, L-Shape 18" CC-20-UV10-L8 2020+ PI Utility 18" L-Shape Console, 7" Slope, 11" Level (no floor plate needed, mounts directly to floor). If needed, includes AC-UV20-HC harness cover. ***Faceplates*** Whelen Cencom Motorolla XTL 5000			\$530.00	\$530.00
1 EACH	TYAC-INBHG	4" Internal Beverage Holder w/Grommets			\$65.00	\$65.00
1 EACH	SC-6	*Universal Gunlock. Extra Large			\$120.00	\$120.00
2 EACH	MXM84434RW	6" Interior LED Dome DUAL Color			\$75.00	\$150.00
1 EACH	WHCCSRN4DA	Whelen External Siren Amp., Dual Tone			\$250.00	\$250.00
1 EACH	SOEL3PD08A00J	*Ultralite Plus 8 Mod. Red/Blue Exterior Replaces Model EL3D08A00J			\$545.00	\$545.00
1 EACH	STFK0400ITU20	PB5 Fender Wrap For 2020-22 PIU PB5 Fender Wrap For 2020-2022 Ford Explorer PIU ***Lower Half Only No Headlight Guard***			\$619.00	\$619.00
2 EACH	SOPMP2WSSSB	*SINGLE 4" Windshield Shroud,Mpower			\$20.00	\$40.00
1 EACH	IN93904	Printer Kit, Includes Both Cables/Paper I80 printer USB Vehicle kit. Includes 14' power cable, 6' USB Cable and one roll of paper.			\$450.00	\$450.00

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 Phone: (907) 373-5661 Fax: (907) 864-0789

Quotation# 005043

Account ID 00001143	Contact Dwayne Shelton	
Customer PO None	Telephone (907) 745-4811	Facsimile (907) 745-4276

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Special Order Drop Ship

Quote Date 03/05/2024	Comments Ford PIU Full Package		Special Instructions		Terms NET 30	
Ship Via WC	Date Required 03/05/2024	FOB Anchorage	Prepared By LC	Order#	Salesperson Jon Hooyer	
Quantity	Item#	Description			Price	Total

Comments
 This quotation is good for 30 days from the date listed above. Thank you for the opportunity!

Sub Total	\$19,058.00
EXMT 0% Tax	\$0.00
Freight	\$0.00
Grand Total	\$19,058.00
Deposit	\$0.00
Balance	\$19,058.00

Approved By: _____ Date _____



PCN Strategies, Inc.
 1420 K Street NW Suite 600
 Washington, District of Columbia 20005
 United States

Quotation (Open)

Quote # : 1018997 1 rev of 1
 Modified Date: Mar 06, 2024 03:48 PM CST
 Description: GVS

Account Manager: Erin Vance 202-494-4525
Email: erin.v@pcnstrategies.com

Customer Contact

Shelton, Dwayne
 dashelton@palmerpolice.com

Customer

Palmer Police Department (PP3894)
 Shelton, Dwayne
 231 W. Evergreen Avenue
 Palmer, AK 99645
 United States
 (P) 907-745-3271

Bill To

Palmer Police Department
 LaCroix, Shayne
 423 S Valley Way
 Palmer, AK 99645
 United States
 (P) 907-745-3271
 srlacroix@PalmerPolice.com

Ship To

Palmer Police Department
 LaCroix, Shayne
 423 S Valley Way
 Palmer, AK 99645
 United States
 (P) 907-745-3271
 srlacroix@PalmerPolice.com

Customer PO:	Terms: Undefined	Ship Via: FedEx Ground
Special Instructions:		Carrier Account #:

#	Description	Part #	Qty	Unit Price	Total
1	In Car System Note: GETAC VIDEO SOLUTIONS INC.:VR-X20 - DVR (VR-X20-i7)- 8GB RAM 256GB SSD + 2nd 256GB SSD Battery Backup + WIFI + GPS Crash Sensor , DVR mnt bracket, 1yhw Display (CU-D50) - 5 Touch Display cable ZeroDark FHD IP Camera CA-NF21-146 (WS Mount) cable ZeroDark FHD IP Camera CA-NF21-146	OA1ACEFAXX1	3	\$3,873.38	\$11,620.14
2	GETAC VIDEO SOLUTIONS INC.:DVR + Cameras + Display Extended Warranty - Years 2, 3, 4 & 5	GE-SVDNEXT4Y	3	\$833.62	\$2,500.86
3	BODY WORN CAMERA USB EXTENSION CABLE FOR VD-02, 12.5 FT	OLX0BX	3	\$19.00	\$57.00
4	GETAC VIDEO SOLUTIONS INC.:Ethernet Cable - RJ45/CAT5e (25 ft)	ONX0GX	3	\$15.93	\$47.79
5	GETAC VIDEO SOLUTIONS INC.:Body Worn Camera (BC-02) - Single Port Dock (VD-02), dock ONLY	ORB24X	3	\$69.00	\$207.00
6	GETAC VIDEO SOLUTIONS INC.:Body Worn Camera (BC-02), magnetic quick release charging USB cable	ORB39X	3	\$39.00	\$117.00
7	Getac Trigger Box Wireless camera control box	OTX11X	3	\$149.00	\$447.00
8	GETAC VIDEO SOLUTIONS INC.:Mounting Bracket (Visor) - Front Camera AND Display (CU-D50)-2020 Interceptor	591GVS000035	3	\$74.60	\$223.80
9	GETAC VIDEO SOLUTIONS INC.:VEHICLE ANTENNA;AIRGAIN,MULTIMAX,3IN1,WIFIX2-GPSX1,BOLT MOUNT,19FT,BLACK	591GVS000015	3	\$201.20	\$603.60
10	GETAC VIDEO SOLUTIONS INC.:Body Worn Camera (BC-02) - Bluetooth Trigger Box - Extended Warranty - Years 2, 3, 4 & 5	GE-SVTGEXT4Y	3	\$58.90	\$176.70
11	GETAC VIDEO SOLUTIONS INC.:Body Worn Camera (BC-02) - VD-02 Dock - Extended Warranty - Years 2, 3, 4 & 5 Extended service agreement - parts and labor (for chargers and docks) - 4 years (years: 2nd - 5th)	GE-SVBDEXT4Y	3	\$19.63	\$58.89
12	Getac Cloud - Monthly Plan 4 (Cloud Unlimited, SW maintenance) Note: 3 Licenses' x 19 months = 57	OUA04X	57	\$52.04	\$2,966.28
13	Getac Enterprise - Active Directory Connector (Per Client Device) Per Month Note: 3 Licenses' x 19 months = 57	OWC03M	57	\$9.07	\$516.99
14	Getac Enterprise - CAD Connector (Per Client Device) Per Month Note: 3 Licenses' x 19 months = 57	OWC04M	57	\$13.62	\$776.34

*These items are custom built and are not returnable once ordered.

Subtotal: \$20,319.39
Total: \$20,319.39



I. 2.

Palmer City Council Meeting

Meeting Date: 03/26/2024
Submitted For: Dwayne Shelton, Police Chief
Department: Police Department
Agenda Category: Action Memorandum
Legislation Number: AM 24-017

Subject

Authorizing the City Manager to Spend up to \$50,000 on Grant Writing and Architectural Services from the Capital Projects Funds in the Approved 2024 Budget for the New Public Safety Building Project

Summary Statement/Background

In the City of Palmer Council approved 2024 budget, \$50,000 in funds were budgeted for feasibility studies for a New Public Safety Building project. The City of Palmer is requesting the \$50,000.00 be used to pay for Grant Writing and Architectural Services for the new Public Safety Building project.

Specifically, the Grant Writing services will be used to apply for grant funding opportunities to help pay for land, engineering services, and the building of a New Public Safety Building. The Architectural Services will be used to facilitate the applications for grants and the building of a new Public Safety Building.

The City of Palmer has reached out to Grants PRO LLC, a Palmer area business that writes grants for other municipalities and non-profit organizations. Grants PRO offers their writing expertise services at a \$60/hr rate. A typical large grant such as a Department of Justice or a United States Department of Agriculture grant will take approximately 4 weeks or 160 work hours to write. Smaller grants will take between 2-3 weeks to complete. Grants Pro will submit invoices on a biweekly or monthly basis depending on the work provided.

Grants Pro LLC has an extensive history of researching, writing, and obtaining grants for a variety of projects in the state of Alaska.

This action memorandum authorizes the city manager to spend up to \$50,000 on Grant Writing and Architectural Services from the Capital Projects funds in the approved 2024 Budget for the New Public Safety Building project.

Administration's Recommendation:

Approve Action Memorandum No. 24-017

Fiscal Impact

Total Amount of funds listed in this legislation: \$50,000
Legislation creates expenditure in the amount of: \$50,000
Budgeted Y/N?: Y
Line Item(s): 08-01-10-7186 PS Feasibility Study

Attachments

Grants PRO LLC



OUR STORY

Robbie Wuitschick, the founder of Grants Pro LLC has 36 years of grant writing and management experience. She was raised on a homestead in Palmer Alaska and knows the value of hard work and perseverance. She grew up without running water, electricity, and indoor plumbing. Robbie has learned that hard circumstances and challenges create character and strength. Her and her family still live on the family homestead where they built a new home, although now they enjoy all of the utilities and technology available in this modern age.

Robbie has pulled together a strong team of professionals, who are technical writers, accountants, photographers, videographers, marketers, and researchers. They have over 100 years of accumulative business experience between them. We have seasoned grant writers and a mapping analyst on our team. Grants Pro LLC is owned and operated by Robbie and her family members. We have expanded our team to include additional technical writers and other experienced staff to keep us on the cutting edge of technology and research.

Along with writing grants, Robbie also prepares supportive documentation for grants, such as Transportation Improvement Plans, Benefit Cost Analysis-BCA's, Environmental Assessment Reports, Resolutions, Support Letter samples, Assurances, NEEPA Reports, Cover Letters, Public Notices, Budgets, Narratives, and works with engineering firms to get quotes for Preliminary Engineering Reports on construction projects. Robbie's favorite grant websites are Grants.gov, EDA, and the USDA website rdapply.

With our strong Grants Pro team, we can take on more grants and assist additional rural communities and non-profits around Alaska. It is exciting to be a Grant Writer in today's market with all of the funding opportunities available, and to live in Alaska where so many of our small rural communities and non-profits are ready for growth and improvement. Grants Pro is here to help you with that growth.

ROBBIE'S GRANT WRITING EXPERIENCE:

- USDA Rural Development funding to provide a new water tank and water line extension in Anchor Point
- Rasmuson Foundation grant to build a new facility for the Children's Place in Wasilla
- Health & Social Services funding for My House in Wasilla for an outreach specialist for homeless youth
- Federal Emergency Management Administration - FEMA Hazard Mitigation grant for the City & Borough of Yakutat's public safety building retrofit project
- COP funding for Yakutat's Police Department to hire three new police officers
- FEMA firefighter grant for personal protective equipment - PPE for the Yakutat Fire Department
- Alaska Harbor & Facilities grant to replace Yakutat's Small Boat Harbor
- Mat-Su Health Foundation grant to help non-profits get air purifiers during the COVID-19 pandemic
- State of Alaska DOT grants for Valley Mover which is now Valley Transit for subsidized travel between the Mat-Su Valley and Anchorage

- A grant to fund Valley Mover adding a stop at the VA Hospital in Anchorage
- Denali Commission grants to improve roads in Yakutat which include the purchase of heavy equipment for the project
- Economic Development Administration (EDA) grant for the public restroom and laundromat facility in Yakutat
- NOAA grant to remove marine debris from fifty miles of remote shoreline near Yakutat that has never been cleaned
- America's Marine Highway program grant to extend Yakutat's multi-purpose dock and build a new small boat harbor
- Alaska Village Energy grant for new LED lighting in Yakutat
- DOT Safe Streets & Roads for All 2022 & 2023 grants to repair the Max Italio Road in Yakutat
- Community Transportation Program (CTP) grant for Max Italio Road in Yakutat

CURRENT GRANT PROJECTS:

- Economic Development Administration-EDA grant for Skeetawk, the Hatcher Pass Ski Area in Palmer, Alaska for a Training Facility/Day Lodge for educational purposes
- USDA Grant for the Upper Susitna Senior Services to provide new housing units, an addition to their Senior Center, and a Cafeteria
- Health & Human Services grant for CCS Early Learning in the Mat Su Borough to help them expand their services with the Head Start Program
- Thriving Communities grant through RurAL Cap Alaska to help communities recover from Covid. We wrote eight of these grants for non-profits and communities. Each could apply for up to \$250,000. The following communities requested our help with these: Non-profits in the Mat Su Borough and Anchorage, the City of Fort Yukon, the City & Borough of Yakutat, and the Yakutat School District
- ADEC State Revolving Loan for waterline extension to the airport in Yakutat
- Researching grants to help feed the homeless population in Palmer
- Researching grants for a second chairlift at Skeetawk Hatcher Pass, a non-profit ski area

- USDA Rural Development grant to improve facilities at the Palmer recycling center known as the Valley Community for Recycling Solutions
- Research for a USDA Rural Development grant to expand services for the Palmer Food Bank
- Rebuilding America's Infrastructure Stability and Equity (RAISE) DOT grant for Yakutat's transportation improvement project
- Grants Pro is excited to announce that the City & Borough of Yakutat received the Port Infrastructure Development Program-PIDP grant to build a new Small Boat Harbor in Yakutat. The award is for \$8.9M and was announced Nov. 1, 2023. We submitted the grant in April of 2023. This project is a \$12M project. We helped the City & Borough of Yakutat secure other funding for this project, and it is now funded 100%. Other grants for this project are: Denali Commission, Economic Development Administration-EDA, and State of Alaska Harbor & Facilities funding.

We are proud to move Alaska forward with its grant needs.

OUR TEAM



Robbie Wuitschick : Grant Writer & Business Development Manager.

"I grew up in Palmer, Alaska on a homestead. The adventures were endless. I love going dip netting in Soldotna in the Summers with my family, and canning the salmon up for food storage.

My life revolves around my family, whom I love.

I have been writing grants and in administration positions for thirty-five years. I started Grants Pro, LLC two years ago and have a strong team behind me. We are writing grants for many communities and non-profits around the State of Alaska.

We recently submitted a Health & Human Services grant for CCS Early Learning, a non-profit head start program in the Mat Su Borough. With the new grant funding that is available at this time, we want to help Alaska move forward with needed projects. Dust off those projects and contact us with your grant needs."



Cindy Mattingley: Grant Writer, Business owner.

"I am a long-time Alaskan; my family homesteaded in Ninilchik when I was very young. I lived many place in Alaska including Yakutat, Wrangell and Juneau to name a few. I spent approximately 40 years in the Palmer area and have lived the past 11 years up north toward Talkeetna.

I have been a business owner for eleven years; I retired from the Matanuska Susitna Borough School District after 23 years, working the last nine years as an Administrative Assistant. I have worked in recordkeeping and budgets for most of my adult life; I am currently working on the MY House Street Outreach Grant to help homeless youth.

My husband and I have been married for 43 years; my greatest treasure is my family. I enjoy being part of the team at Grants Pro, LLC where I can witness the positive impact additional funding can have on Alaskan communities helping them grow and develop.



Toni Miller: Grant Writer, Business owner.

"Having grown up in Palmer, I came back as an adult and love raising my family here! I have 5 boys and a little girl - they bring me so much joy! I have lots of hobbies and I love trying and learning new things. I also love to travel! I coach youth basketball and have been a business owner for many years. I'm excited to be a part of the Grants Pro team and I am currently working on a DOT Safe Streets and Roads for All-SS4A grant for the City & Borough of Yakutat to repair the Max Italo Road, and working on the EDA Skeetawk grant for a new Training Facility in the Hatcher Pass Ski Area."



Laci Mattingley: Grant Writer, Business owner.

"Born in Palmer and raised in the Copper River Valley, I've lived in Alaska all my life. After graduating from high school, I found my adoring husband, a life-long Alaskan residing in Palmer. After a few years of building a successful company together in the MatSu Valley and adopting our two lovely boys I began to see a need in the communities around me. This led to the formation of a non-profit that I've been blessed to operate as the CEO.

With that experience and others, I've transitioned into the world of grant writing. I'm passionate about empowering the helpless and equipping them with the tools they need to thrive. I recently worked on the Health & Human Services grant for MY House, the homeless youth services in Wasilla, and starting the USDA grant for the Upper Susitna Senior Services for an 8-Plex in Talkeetna."



Lanisha Wuitschick: Grant Writer, Media & Marketing Manager.

“Being born and raised in Palmer Alaska makes me feel overwhelmingly blessed as I get to enjoy nature in its finest form and all that this rugged terrain has to offer. As a recent graduate from Brigham Young University - Idaho, I have gained valuable skills in the media and marketing world.

Currently, I work for the University of Alaska Anchorage as a Communications specialist.

I’m excited to offer my service to Grants Pro, doing what I do best: media, website design, marketing and writing. Though I’m new to grant writing, I feel happy to be learning such a helpful and charitable skill. I’ll also be working toward my Masters in Public Administration starting fall 2023 and look forward to being a public servant and building my community in Alaska.”



Marcus Wuitschick: Grant Writer, Mapping Expert.

"I grew up in Alaska and love the outdoors. I am very adventurous and spend much of my extra time kayaking and hiking with my buddies, and gold dredging with my dad. I recently visited the Philippines with my brother and had an amazing trip. I bought land on our family homestead and will build a home on it soon.

I am happy to be part of the Grants Pro team and have been using the mapping tools provided by each funding source to show the project location, the communities historically disadvantaged and persistent poverty status, and population. The grant that I am currently working on is the Yakutats Safe Streets & Roads for All-SS4A DOT grant to repair the Max Italio Road."



Tina Tubbs: Grant Writer, Education Administrator

"My name is Tina Marley Tubbs. I grew up in the Palmer area on a homestead and graduated from Palmer High School. I am proud of my roots. For the past forty years I've been working in education and special education as a teacher and administrator. The most important things to me are my faith, family and service to others. Being a part of Grants Pro, I've found another way to serve others and their communities."



Grants Pro

grantspro.team@gmail.com

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Paula Pettijohn: Grant Writer, Entrepreneur.

"I was born and raised in Anchorage, Alaska. Our family has lived in the Mat-Su Valley since 1979, where we raised 6 amazing, self-sufficient children. I have been a small business owner and enjoy people and photography. My husband and I have been therapeutic foster parents which was our doorway into the nonprofit world.

Foster care has made me aware and passionate about all the services that are needed for citizens of our state. Although I am new to grant writing, I look forward to being an instrument to help nonprofits obtain funding they need to better serve and improve the communities we live in."



J. 1.

Palmer City Council Meeting
Meeting Date: 03/26/2024
Department: City Clerk's Office
Agenda Category: Action Memorandum
Legislation Number: AM 24-016

Subject

Authorizing the City Manager to Negotiate and Execute a Three-Year Contract with the Palmer Museum of History and Art for the Custodial Care and Curation of City of Palmer's Museum Artifacts In the Amount of \$55,400 to Reflect for 2024 Payment

Summary Statement/Background

Approval of this Action Memorandum will authorize the City Manager to execute a professional services Agreement for the custodial, care, and control of the City of Palmer-owned historical artifacts for a three-year term, and to approve payment of \$55,400.00 as approved in the FY 2024 Budget. This agreement requires an annual appropriation by the City Council.

The Palmer Museum of History and Art (PMHA) has been actively providing museum services since March 2006, as per the terms of the professional services agreement. This agreement designates PMHA as the exclusive entity responsible for the custodial, care, custody, and control of historical artifacts owned by the City. The City Council, through Resolution 05-017 approved on June 28, 2005, authorized the City to enter into a contract with PMHA, an Alaska non-profit corporation, formalizing the relationship as the official caretaker of all historical artifacts and museum properties. This commitment was solidified through the execution of an Agreement on March 10, 2006. Over the years, PMHA has successfully fulfilled all requirements stipulated in the professional services agreement. Furthermore, a new Agreement between the City and PMHA was approved on February 14, 2012, as a five-year contract with the option to renew for an additional five years, which ultimately expired on December 31, 2023. This historical context underscores the established and successful collaboration between the City and PMHA in the management and care of valuable historical artifacts.

Under Palmer Municipal Code (PMC) 3.21.260, the City possesses the authority to engage in contracts for professional services at the discretion of the City Manager. Additionally, PMC 3.21.230 A3 allows the city to bypass competitive source selection procedures for professional services when there is a reasonable limitation on the availability of sources. In light of the operational challenges posed by the co-location of museum artifacts in the visitor information center, the execution of professional services becomes operationally intricate. Moreover, considering the specialized nature of the field and the presence of ongoing projects that demand specific expertise, it is justified to opt for contracting without competitive procedures. This approach ensures the city's ability to efficiently manage and accomplish projects that involve the unique requirements associated with museum artifacts and related initiatives.

Administration's Recommendation:

Approve Action Memorandum 24-016 allowing the City Manager to negotiate and execute a three-year contract for professional services for Museum Services and to authorize payment for 2024 of \$55,400.

	Fiscal Impact
Total Amount of funds listed in this legislation:	\$55,400.00
Legislation creates expenditure in the amount of:	\$55,400.00
Budgeted Y/N?:	Y
Line Item(s):	01-01-20-6030

Attachments

Draft Museum Contract 2024
PHMA Collections Policy

Agreement for the Curatorial, Archival and Museum Services Of the City of Palmer's Historical Artifacts

THIS AGREEMENT made and entered into this _____ day of _____, 2024, by and between the City of Palmer, Alaska, a municipal corporation (City) and The Palmer Museum of History and Art, a 501(C)(3) Alaskan nonprofit (PMHA). The City desires to retain the PMHA to manage City owned museum artifacts according to the terms and conditions hereinafter set forth and PMHA is willing to perform such services.

Recitals:

Whereas, the City of Palmer has a collection of artifacts (the "Collector") that have been housed in the Palmer Visitor Center; and

Whereas, the Palmer Visitor Center is a premier feature within the community and houses city owned historical artifacts; and

Whereas, the PMHA is incorporated as a non-profit corporation dedicated to managing and care for the Collection, and to exhibit and interpret items that depict the history of the greater Palmer area; and

Whereas, By Resolution No. 05-017, adopted by the City Council of the City of Palmer on June 28, 2005, the City authorized the City Manager to enter into a contract with the PMHA to be the exclusive entity responsible for the care and control of the historical artifacts owned by the city; and

Whereas, previous agreements have expired and both parties would like to create a new Agreement.

Whereas, this Agreement supersedes and replaces all previous agreement whether verbally or written between the City and PMHA.

Whereas, the Parties mutually agree to the following terms and conditions on _____.

1. Definitions:

"Annual Payment" equals the annual contract payment [of \$55,400] plus 2.5% annual inflation increase applicable after year one.

"City" is the City of Palmer.

"PMHA" is Palmer Museum of History and Art

"VIC" is Palmer Visitor Information Center which houses the Collection.

"Collection" is the Historical Artifacts of Palmer.

"Palmer Museum Collection Policy and Procedure" This is the mutually agreed upon process to determine and document any ownership of items donated or acquired. See Exhibit A.

"Manager" is the manager of the City of Palmer or his/her authorized representative.

"Term" has the meaning set forth in Section 3.

"Services" mean the professional [and other] services to be provided by PMHA under this agreement, as described in more detail as PMHA's obligations under this Agreement.

2. Term and non-Appropriations Clause:

- A. Term. The services of the PMHA shall commence upon execution of this Agreement by the City and shall terminate, subject to the provisions of this Agreement or three (3) years after execution of this Agreement.
- B. Previous Agreements. All previous agreements between the Parties related to the operation of the VIC are superseded by this Agreement.
- C. Non-Appropriations Clause. Any continuation or renewal of this Agreement beyond the current fiscal year is subject to and contingent upon sufficient funds being appropriated, budgeted and otherwise made available by the City Council. The City may terminate the agreement and the PMHA waives any and all claim(s) for damages, effective immediately upon receipt of written notice if, for any reason, funding is not appropriated.

3. PMHA's Obligations:

The PMHA will provide the following services:

- A. General curatorial, archival and museum services to the City in accordance with Industry best practices and City budgets, as adopted and amended.
- B. PMHA shall perform all tasks associated with the curation and preservation of historical artifacts owned by the City, also referred to as the Collection. This includes the following tasks:
 - a. Maintain an inventory or catalogue of all items in the Collection and provide either a paper or digital copy of the inventory or catalogue to the City.
 - b. Maintain the registration of all items in the Collection.
 - c. Collect and register items as described in the PMHA collections policy., attached as Exhibit B.
 - d. Develop and maintain displays of collected items as public display areas within the VIC, available for the PMHA's use.
 - e. Provide for the proper care and custody of the Collection utilizing accepted archival practices.
- C. The Collection shall remain the property of the City.
- D. Ownership of items subsequently acquired by the PMHA are determined by the Palmer Museum Collection Policy and Procedure, (Exhibit B) herein incorporated into this Agreement.

- E. PMHA, as an independent contractor, is solely responsible for hiring staff and entering into agreements for contract services as necessary to perform its duties under this Agreement.

- F. On or before September 15th, the PMHA shall present to the City:
 - a. The current annual period covered by this Agreement.
 - b. A proposed work plan and budget for the following calendar year that contains all costs associated with the PMHA's responsibilities under this Agreement for that period.
 - c. The work plan budget shall identify the source and amount of all revenue the PMHA has received to support its activities for the period.
 - d. The funds requested by the PMHA in the annual proposed work plan and budget are subject to appropriation by the City Council.

- G. Reports. Submit the below written reports to the City Council detailing the results of services provided:
 - a. Report Due on October 1
 - b. Reports shall include:
 - 1. A summary of the registered items in the collection.
 - 2. A summary of completed present and future projects associated with preservation of historical artifacts, presentations, or implementation plans for future projects.
 - 3. A summary of challenges and successes of the collection.
 - 4. Develop and propose any future projects for budgetary purposes.

- H. When artifacts are donated, conduct a Collection Committee meeting with the City Manager, Community Development and PMHA Staff, according to the Palmer Museum Collection Development Policy.

- I. Designated Administrator. The services shall be administered, supervised, and directed by the PMHA's Designated Administrator.

- J. Compensation. PMHA is responsible for all PMHA personnel and for the payment of their compensation, including, if applicable, withholding of income taxes, and the payment and withholding of social security and other payroll taxes, unemployment insurance, workers' compensation insurance payments, and disability benefits.

- K. Independent Contractor. PMHA is an independent-contractor of the City. PMHA shall operate and manage the museum artifacts in accordance with industry best practices.

- L. Security System. PMHA will maintain a building security system.

- M. Amendment. This contract may be amended from time to time with written agreement of both the PMHA and the City.

4. City's Obligations:

The City Shall:

- A. Designate an Administrator. The City Manager will be the administrator and the point of contact for the PMHA for this Agreement.
- B. Use of the VIC Building. The City Manager will provide such access to the VIC building for the purposes of performing the obligations of this Agreement.
- C. Regular Communication: The City will meet with the PMHA on a minimum quarterly basis and be responsive to additional requests from the PMHA.
- D. Make Payment. The City will make payments to PMHAs according to the Timetable listed on Exhibit A.
- E. Non-Exclusive Revocable License. The City will continue to provide the PMHA a non-exclusive revocable license for use of:
 - a. The Name "Palmer Visitor Information Center"
 - b. The Phrase "Alaska at its Best"
 - c. The City Logo
 - d. All existing brochures and handouts both printed and electronic
- F. Interior and Exterior Maintenance. The City shall provide interior and exterior maintenance services for the Visitor Information Center building and the grounds.

5. Payment Terms:

- A. Subject to the provisions of this Agreement, payment of the total sum for all services of **\$55,400** will be paid according to Exhibit A attached hereto and incorporated herein by reference, with 2.5% increase annually for inflation after year one.
- B. Any modifications or amendments of payment terms must be agreed to in writing by both parties.
- C. Except as otherwise provided in this Agreement, the City shall not provide any additional compensation, payment, use of facilities, service, or other thing(s) of value to the PMHA in connection with performance of this Agreement duties. The parties understand and agree that administrative overhead and other indirect or direct costs the PMHA may incur in the performance of its obligations under this Agreement have already been considered and are included in this Agreement.
- D. The City will pay to the PMHA the amount set forth in Exhibit A which shall constitute the full and complete compensation for the PMHA's professional services. That sum will be paid on receipt of invoices submitted two weeks prior to the schedule set forth in Exhibit A.
- E. All invoices must be submitted in duplicate and addressed as follows: City of Palmer, Community Development Dept., 645 E. Cope Industrial Way, Palmer, AK 99645

F. It is expressly understood and agreed that the total compensation paid to the PMHA shall not exceed **\$55,400 without written agreement by the City.**

6. Lease:

This Agreement does not constitute a deed or grant of an easement by City and does not constitute a lease.

7. Right to Enter:

City, through the City Manager or his/her authorized representative may, upon reasonable notice, enter into the premises, at any and all reasonable times during the term of this Agreement for the purpose of determining whether PMHA is complying with the terms and conditions hereof or for any other purpose incidental to the rights of City for emergency reasons. PMHA shall be required to submit a key to all locked doors to the police department and shall also provide a key or other device to turn off the alarm system.

8. Utilities:

A. The City shall be responsible for prompt payment of utilities for the VIC building, to include electricity, natural gas, water, trash pickup and internet. PMHA will be responsible for long-distance phone charges. The installed telephone system and phones will remain the property of the City.

9. Improvements:

A. PMHA shall inform the CITY in writing of requests for major alterations, additions, or improvements at the VIC building and/or property. Work will not commence without written approval from the City.

10. Website Ownership and Control, Social Media Management and Brand Protection for the City of Palmer:

A. Website Ownership: PMHA will produce and maintain a website with current information about Palmer's Museum. The City shall have the right to remove language or information associated with the Museum. The City shall notify in writing PMHA of its concerns and request to remove language.

B. Social Media: PMHA agrees to provide a social media platform and social media management services such as a Facebook page solely for the Palmer Museum. This social media page is separate from the PMHA's non-profits or internal social media accounts. Social media management services may include content creation, scheduling, monitoring and public engagement. The City reserves the right to request that posts be removed or created at the discretion of the City. At all times, social media posts and engagement will refrain from any social justice or political related topics. All social media posts must remain with the purpose and scope of the history of, visiting of, and promotion of, the City of Palmer.

C. Brand Protection:

1. The parties agree that the City retains full ownership and control of the brand of the City of Palmer, the City of Palmer Seal or Logo and the slogan "Alaska at its Best."
 2. In the event the City updates their social media guidelines, they will provide a written updated policy to the PMHA. The PMHA shall actively protect and promote the City's brand identity, image, and reputation across social media platforms. This includes adhering to the City's brand guidelines, tone of voice, and style, as well as promptly addressing any negative or damaging content that may arise. The PMHA shall exercise due diligence in monitoring and moderating user-generated content, ensuring it aligns with the City's brand values.
- D. Parties agree that the process to determine and document any ownership of items donated or acquired by the PMHA will be determined by the mutually agreed upon Palmer Museum's Collections Policy and Procedure.

11. Representations and Warranties:

Each party represents and warrants to the other party that:

- A. It is duly organized, validly existing and in good standing as a corporation or other entity as represented herein under the laws and regulations of the State of Alaska.
- B. It has the full right, power, and authority to enter into this Agreement, to grant the rights and licenses granted hereunder, and to perform its obligations hereunder.
- C. The execution of this Agreement by its representative whose signature is set forth at the end hereof has been duly authorized by all necessary corporate action of the party;
- D. When executed and delivered by such party, this Agreement will constitute the legal, valid, and binding obligation of such party, enforceable against such party in accordance with its terms.

PMHA's Representation and Warranty, and Manner of Performance.

- A. PMHA hereby represents and warrants to the City, and the City relies upon said representations and warranties, that PMHA is a professional in the subject area in which services are to be provided and the PMHA has the experience, skill, knowledge, and competence to perform the services set forth in this Agreement.
- B. PMHA accepts the relationship of trust and confidence between the PMHA and the City. PMHA covenants to perform its services under this Agreement with due diligence, due care, and in a good and professional manner.

12. Termination:

- A. Termination for Cause. If, through any cause, either party shall fail to fulfill in a timely and proper manner the obligations under this Agreement OR if the failing party shall violate any of the covenants, agreements, or stipulations of this Agreement, then the other party shall have the right to terminate this Agreement by giving written notice of

at least ten (10) business days before the effective date of such termination. PMHA shall receive payment up to the date of termination.

- B. Termination Without Cause. The City at its sole discretion may terminate this agreement in whole or in part at any time without cause by providing at least thirty (30) days prior written notice to the other party. The PMHA shall be entitled to receive the remainder of the pro-rated annual equivalent of 6 months of annual payment from termination date.
- C. Effects of Termination or Expiration. Upon expiration or termination of this Agreement for any reason, PMHA shall within 10 working days deliver to City all finished or unfinished documents, data, studies, surveys and reports or other material prepared by the PMHA under this Agreement.

13. Modifications:

The parties may mutually agree to modify the terms of the Agreement at any time. Modifications to the Agreement shall be incorporated into the Agreement by written amendments.

14. Audits and Inspections:

The City, after giving notice, may conduct on-going quality assurance in order to assure that the PMHA is providing quality and consistent museum curator services.

15. PMHA's Requirement to Pay City Tax Obligations:

The PMHA has an obligation to the City to keep their taxes current. Any violation of lack of payment of tax, assessment, lease, sale or rental payments, whether as an individual, or as a representative of a business, organization, firm, corporation, or partnership, shall cause the PMHA to not be awarded this Agreement or if already awarded, this Agreement may be terminated for cause. The PMHA has ten (10) calendar days from receipt of written notice sent by the City to cure delinquency. The City reserves any right it may have to offset amounts owed by an individual, firm, corporation or business for delinquent City taxes, moneys owed on sales, assessments, leases and rental agreements, against any amount owing to the same under an Agreement between the City and the PMHA.

16. Eminent Domain:

If the entire premises shall be taken by condemnation by any governmental authority or conveyed in lieu of condemnation, or if a portion of the premises shall be so taken or conveyed so as to render the premises untenable for the purposes of this Agreement, this Agreement shall terminate as of the date possession shall be required by said governmental authority, and the parties shall be released from all further liability hereunder. If only a portion of the premises shall be so taken or conveyed and the remainder of the premises is not thereby rendered untenable for the purposes of this Agreement, CITY shall, at its expense, restore the premises, and this Agreement shall continue in force, otherwise unaffected. The entire award or compensation on account of such condemnation or conveyance shall belong and shall be paid to CITY without deduction therefrom for any estate vested in PMHA, and PMHA shall receive no part of any such award or compensation except any portion of the award or compensation

made specifically for PMHA's trade fixtures and equipment, provided that said portion shall in no way decrease the amount of award or compensation which would otherwise be payable to CITY. The value of such improvements shall be negotiated and agreed upon between PMHA and CITY. The date of the taking for purposes hereof shall be the date PMHA is required to relinquish possession.

Provided however that notwithstanding anything to the contrary herein, CITY shall pay to PMHA, from the condemnation payment or award, a sum representing the "agreed value" of PMHA's approved improvements to the VIC.

17. Indemnification and Hold Harmless Agreement:

PMHA shall defend, indemnify, and hold harmless City and its officers, directors, employees, agents, successors, and permitted from and against all Losses arising out of or resulting from any third-party claim, suit, action, or proceeding including attorney fees, arising out of or resulting from: (1) bodily injury, death of any person, or damage to real or tangible, personal property resulting from the willful, fraudulent, or negligent acts or omissions of PMHA or PMHA Personnel; and (2) PMHA's breach of any representation, warranty, or obligation of PMHA set forth in this Agreement.

18. Insurance Requirements:

During the Term of this agreement, PMHA will procure and maintain, at its sole cost, at least the following types and amounts of insurance coverage.

A. Minimum Limits of Insurance.

PMHA shall maintain limits no less than:

1. Commercial General Liability Insurance: (Form CG0001) 4/13 or equivalent
 - \$1,000,000 Combined Single limit of liability per occurrence.
 - \$1,000,000 Personal/Advertising Injury Limit of Liability per occurrence
 - \$1,000,000 Participant Legal Liability
 - \$2,000,000 Annual General Aggregate Limit of Liability
 - \$2,000,000 Annual Products/Completed Operations Aggregate limit of liability
 - \$100,000 Fire Damage Limit of Liability any one fire
 - \$5,000 Medical Payment Limit of any one person

2. Workers' Compensation and Employers Liability:
 - Workers' Compensation shall be statutory as required by the State of Alaska.
 - Employer's liability shall be endorsed to the following minimum limits:

Bodily Injury by Accident -	\$500,000 each accident
Bodily Injury by Disease -	\$500,000 each employee
Bodily Injury by Disease -	\$500,000 policy limit

B. Verification of Coverage

PMHA shall furnish the City with certificates of insurance and with certified copies of all endorsements affecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates are to be on forms acceptable to

the City. All certificates are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies at any time.

C. Lapse in Coverage.

A lapse in insurance coverage is a material breach of this Agreement, which shall result in immediate termination of the Agreement.

19. Force Majeure:

No party shall be liable or responsible to the other party, or be deemed to have defaulted under or breached this Agreement, for any failure or delay in fulfilling or performing any term of this Agreement when and to the extent such failure or delay is caused by or results from acts beyond the impacted party's ("Impacted Party") reasonable control, including without limitation the following force majeure events ("Force Majeure Events"): (a) acts of God; (b) flood, fire, earthquake, OTHER POTENTIAL DISASTER(S) OR CATASTROPHE(S), SUCH AS EPIDEMICS, or explosion; (c) war, invasion, hostilities (whether war is declared or not), terrorist threats or acts, riot, or other civil unrest; (d) government order, law, or actions; (e) embargoes or blockades in effect on or after the date of this Agreement; and (f) national or regional emergency; (g) other similar events beyond the control of the Impacted Party. The Impacted Party shall give notice within seven (7) days of the Force Majeure Event to the other party, stating the period of time the occurrence is expected to continue.

20. Miscellaneous Provisions:

- A. Jurisdiction; Choice of Law. Any civil action arising from this Agreement shall be brought in the Superior Court of the Third Judicial District of the State of Alaska in Palmer. The laws of the State of Alaska and the City of Palmer shall govern the rights and obligations of the parties.
- B. Dispute Resolution: Prior to litigation, the parties shall first attempt in good faith to settle by mediation any dispute arising out of or relating to this Agreement or its breach. Each party may suggest a neutral mediator, should the parties not agree upon a mediator than the Mediation will be conducted by a retired Alaska Court Judge who provides mediation services. If the mediation is unsuccessful, only then may the parties resort to arbitration or litigation in the Third Judicial District Court located in Palmer, Alaska.
- C. Non-Waiver. The failure of the either party at any time to enforce a provision of this Agreement shall in no way constitute a waiver of the provisions, nor in any way affect the validity of the Agreement or any part thereof, or the right of either party thereafter to enforce each and every protection hereof.
- D. Permits, Laws and Taxes. The PMHA shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to the performance under this Agreement. All actions taken by the PMHA under this Agreement shall comply with all applicable statutes, ordinances, rules, and regulations. The PMHA shall pay all taxes pertaining to its performance under this Agreement.
- E. Relationship of the Parties. The PMHA shall fulfill its obligations hereunder as an independent contractor of the City. PMHA is associated with the City only for the

purposes and to the extent specified in this Agreement, and in respect to performance of the contracted professional services pursuant to this Agreement. Nothing contained in this Agreement shall be deemed or construed to create a partnership or joint venture, to create relationships of an employer-employee or principal-agent, or to otherwise create any liability for the City whatsoever with respect to the indebtedness, liabilities, and obligations of the PMHA or any other party.

F. Publication, Reproduction and Use of Materials. No material produced, in whole or in part, under this Agreement shall be subject to copyright in the United States or in any other country. The City shall have unrestricted authority to publish, disclose, distribute, and otherwise use, in whole or in part, any reports, data or other materials prepared under this Agreement.

G. Notice. Any notice required pertaining to the subject matter of the Agreement shall be personally delivered or mailed by prepaid first-class, registered, or certified mail to the following address:

City: City of Palmer
Community Development Dept.
645 E. Cope Industrial Way
Palmer, AK 99645

PMHA: The Palmer Museum of History and Art
Attn: The Palmer Museum of History and Art
723 S. Valley Way
Palmer, AK 99645

H. Entire Agreement. This Agreement, together with all Schedules, Exhibits, and Statements of Work and any other documents incorporated herein by reference, constitutes the sole and entire agreement of the parties to this Agreement with respect to the subject matter contained herein, and supersedes all prior and contemporaneous understandings and agreements, both written and oral, with respect to such subject matter.

I. Severability. If any term or provision of this Agreement is invalid, illegal, or unenforceable, such invalidity, illegality, or unenforceability shall not affect any other term or provision of this Agreement or invalidate or render unenforceable such term or provision. Upon such determination that any term or other provision is invalid, illegal, or unenforceable, the remainder of this Agreement shall remain in full force and effect.

J. Headings. The headings in this Agreement are for reference only and shall not affect the interpretation of this Agreement.

K. Assignment. Neither party may assign, transfer, or delegate any or all of its rights or obligations under this Agreement.

City of Palmer

Palmer Museum of History and Art

John Moosey, City Manager

Executive Director, PMHA

Exhibit A: Payment Schedule

Year 1

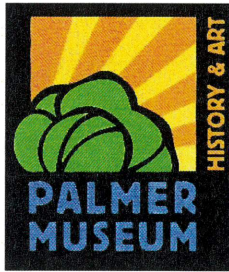
At signing	\$26,200
April 1, 2024	\$13,000
June 1, 2024	\$8,000
October 1, 2024	<u>\$8,200</u>
TOTAL	\$55,400

Year 2

At signing	\$27,585
April 1, 2025	\$13,000
June 1, 2025	\$8,000
October 1, 2025	<u>\$8,200</u>
TOTAL	\$56,785

Year 3

At signing	\$27,585
April 1, 2026	\$13,000
June 1, 2026	\$8,000
October 1, 2026	<u>\$9,600</u>
TOTAL	\$58,205



The Palmer Museum of History & Art

Collections Policy

7-29-2021

I. INTRODUCTION

The **Palmer Museum of History and Art** (hereafter referred to as the Museum or PMHA) is a membership-based museum organization incorporated in 2005 as a private, 501(c)3 not-for-profit corporation. The Museum operates as an independent contractor for the City of Palmer and has been entrusted with the care of the City of Palmer's artifacts. The Museum collects, researches, documents, and preserves objects, art, and archival material relating to the culture and history of the Greater Palmer region.

Our Mission

Our work inspires, enriches, and cultivates our community's connection the unique history, culture, and art of the Greater Palmer Area.

Our Vision

We look forward to becoming the region's leading resource for local history and art information while continuing to develop and expand museum products, services, and programs to better serve visitors and community members alike. We envision a place in which various sectors work together to create lasting, supportive relationships that contribute to a more vibrant and culturally rich town for all.

Our Core Values

- *Responsibility*: Act in a manner that best serves our community and secures our assets for generations to come through responsible fiscal management, collections stewardship, ethical standards, and legal accountability.
- *Public Focus*: Best serve the public interest by meeting the needs and expectations of the community through museum services, products, and programs, in order to engender support, respect, and appreciation for the organization.
- *Pride and Leadership*: Become a leading model in fostering an appreciation for the region's history and culture along with the growth and development of the community as a whole.
- *Accessibility*: Provide adequate facilities to accommodate the programs and services of the Museum for all people, regardless of their age, sex, ethnicity, or abilities, to enjoy.
- *Excellence and Professionalism*: Maintain a competent and well-trained staff, so as to achieve the highest professional and aesthetic standards expected of a regional history museum.
- *Collaboration*: Foster collaboration between various sectors of the community in order to create and share a distinctive Palmer identity.

Our Goals

- Actively expand and maintain collections of objects and information that support fulfillment of the Museum's Mission.
- Provide stewardship of collections in our care through appropriate security, protection, conservation and preservation.
- Foster collaborative relationships with local educational institutions to create various educational programs that support current curricula consistent with the Museum's mission, and aid in building awareness and involvement with local youth.
- Partner with related organizations to identify areas of mutual interest, and, together, pursue common goals while building a foundation of alliance and support.
- Achieve financial support sufficient to allow the organization to build and maintain robust collections, programs and public involvement in support of the Museum's mission.
- Engender public support through increased awareness, broad community involvement, board development, expanded membership and increased volunteer participation.

II. AUTHORITY

Board of Directors

The Museum is governed by a nine-member Board of Directors. As the policy-setting body for the Museum, the board represents the final authority in all operations of the Museum. This authority includes responsibility for acquisitions, maintenance and deaccessions of objects in the Museum's care. The Board delegates responsibility for these functions to the Collections Committee as specified in this policy.

It is the duty of every Museum board and staff member to be familiar with this policy and uphold its tenets. The Museum entrusts the day-to-day care of collections to the Museum's Executive Director and any other staff members hired to provide services related to the collections.

The Board of Directors grants the Executive Director the authority to interpret all sections of the policy, develop procedures accordingly, and seek the advice and consent of the Board of Directors when circumstances so warrant.

Collections Policy, Direction and Guidance

This policy establishes direction and guidance for the general management of the City of Palmer's historical and art collections, and the Museum's art and education collections. It specifies responsibilities of the Museum's Board of Directors, Executive Director and staff in carrying out the policies set forth.

Ethical Conduct

In regard to all actions taken concerning the collections under the care of the Museum, the Board of Directors, Collections Committee, and Museum staff shall abide by the PMHA Code of Ethics and the Ethical Standards accepted by the American Association of Museums and by the City of Palmer.

Role of the Museum Staff

The Executive Director and designated Museum Staff, are responsible for all aspects of management, care and use of the collections, including acquisition, recommendation for accession and deaccession, preservation, interpretation, approval for exhibition and loans, access, research, and publication.

Museum Collections Committee

The Museum Collections Committee advises the Executive Director in many facets of collections management and is responsible for determining the contents of the Museum's permanent collections.

Committee Responsibilities

The Committee:

- reviews, evaluates, accepts for accessioning, sets aside for further research or rejects all potential acquisitions based on the direction and guidance established in this policy; and
- reviews and approves any deaccessions from the Museum's permanent collections in accordance with direction and guidance set forth in this policy; and
- periodically reviews the state of the collection and may advise the Board of Directors on collections policy

Committee Membership

- The Museum Collections Committee shall be composed of five members: the Executive Director, who serves as Chairperson; the Collections Manager; the PMHA Board President (or other Director at the Board's discretion), one member from the PMHA Association at large appointed by the PMHA Board President, and the City of Palmer City Manager (or an appointed representative from City of Palmer).

Committee Function

- A quorum shall consist of at least the Executive Director and three others
- Each member shall have one vote in any action of the Collections Committee.
- The Committee shall meet at least quarterly, or more often as the need arises at the discretion of the Executive Director.

Committee Reporting Responsibilities

- At regularly scheduled Board meetings the Executive Director will report to the Board of Directors a summary of Committee activity and significant actions taken by the Committee.
- A biannual summary of significant Collections Committee actions will be provided to the City of Palmer.

III. SCOPE OF COLLECTIONS

The Palmer Museum of History and Art shall collect only objects and information that are consistent with the direction and guidance provided below:

Definition of Terms:

- **The Museum**—As used here, this term refers to the non-profit organization, **Palmer Museum of History & Art**, which manages the Palmer Visitor Center facility and the collections under its care.
- **Region of Interest**—The Museum's primary focus for collecting objects and information is on the City of Palmer and its immediate surroundings. ("Immediate surroundings" are generally defined as the area bounded by the Matanuska River on the east and southeast, Palmer Fishhook Road on the north, Outer Springer Road on the south, and generally from the intersection of Outer Springer Road and Glenn Highway northwest to Campbell Road).
 - The Museum's secondary focus is on the eastern end of the Matanuska Valley having a strong association with Palmer, generally including areas of The Butte, Matanuska, the Experiment Farm, 4-Corners, Hatcher Pass, and Chickaloon.
 - It is understood that the areas described above do not have hard and fast boundaries, as human activities and influences often ebbed and flowed across the region. These areas are described only to aid in consideration of direct influence or importance to the Palmer area.
- **Archival Items**—These include records and documents such as photographic images, illustrations, maps, journals, and logs. As used here, these objects are ones of a historically significant nature.
- **Library Items**—These include published books, magazines, newspapers and published manuscripts.
- **Collection**—This term is used in a variety of ways in reference to objects held by the Museum:
 - Museum Collection**—usually refers to the total accumulation of City-owned objects and information held by the Museum in support of the Museum's mission. It also includes objects and information held by the non-profit Museum independent of the City.
 - Art Collections**—The Museum manages two art collections: The City collection includes art given to, or otherwise acquired by the City of Palmer. The Museum collection includes art purchased by the Museum. Both collections are considered to be part of the permanent collection although ownership of the Museum collection remains with the Museum.
 - Permanent Collection**—includes items of both historical value and art objects held by the Museum that have been identified by the Collections Committee for accession and permanent ownership by the City. It also includes art objects owned by the Museum. Such items are held in the public trust for exhibit, research, public education and enjoyment by present and future generations and are required to receive the highest degree of care, documentation, protection and preservation.
 - Education Collection**—includes objects and information owned and held by the Museum specifically in support of the Museum's *Education Program*. Such items are not part of the City collection, nor part of the Permanent Collection. Inclusion of items in the collection is determined by the Executive Director.
 - Individual or Personal Collections**—are groups of objects identified as given to the City by an individual or individuals, which may be held more or less together and identified as a unit in order to emphasize their origin, honor the benefactor, or to benefit cataloguing or storage.
- **Education Program**—The Museum's education program supports the Museum's efforts to make the collections relevant to the public in order to foster appreciation and understanding of the region's

human history and creative endeavors. The Historical, Art, and Education Collections are integral to the support of the Education Program. The program is passively supported by displaying elements of the *Permanent Collection* and actively supported by objects and information which may be specifically acquired by the Museum for educational purposes. Such specifically acquired materials are not normally considered part of the Museum's *Permanent Collection* as their use in educational endeavors may physically deteriorate or exhaust them. However, some objects in this collection may be listed in the Past Perfect catalog data base for inventory or tracking purposes and identified as *Education Collection* material.

- **PMHA**—This is the abbreviation for “Palmer Museum of History & Art”, a non-profit organization.
- **Gift**—As used here the term refers to objects or information given to the Museum to be added to the City's Permanent Collection or to the Museum's Education Collection, unless specifically otherwise indicated by the giver.
- **Donation**—As used here the term refers to money, volunteer labor or objects given to the Museum for any purpose other than to be added to the Permanent Collection or Education Collection.

Collection Goals:

The goals for forming the Collections are established to support and fulfill the ***Mission*** of the Museum, and are described below:

- **Historical Collection**—To acquire, preserve, protect and interpret objects and information which best illustrate a comprehensive understanding of the history of the people and cultural events of the Museum's *Region of Interest*. Natural history objects and information will be collected only to the extent that they illuminate understanding of the cultural history. Objects and information acquired and held under this goal become part of the City's *Permanent Collection*.
- **Art Collection**—Goals for both the City and Museum art collections are to acquire, preserve, protect and interpret a comprehensive body of art works comprised of a wide range of media with content reflecting the Museum's *Region of Interest* and its people, or works by artists identified as having strong personal connection to the Museum's *Region of Interest*. Art collected for both collections shall be two or three dimensional works and will not include ephemeral art such as performance, dance, voice, music, poetry and the like. Art objects in both collections are intended to become part of the *Permanent Collection*.
- **Education Collection**—To acquire objects and information in support of the Museum's Education Program to teach, to foster understanding, and to experience elements of the History and the Art of the *Region of Interest*.

Guidance:

- Actions taken to assemble the permanent collection will be guided by the following:
 - The Museum will actively collect only objects and information having a strong connection to the *Region of Interest*.
 - The Museum will accept and passively collect items from other regions only if those items have a clear, valid connection to the *Region of Interest*.
- Objects and information to be placed in the Permanent Collection may include the following:
 - Representative and unique ethnographic objects from Native groups that lived or continue to live in the *Region of Interest*.

- Objects may be from any period, either fine ethnographic art or everyday objects that were made or used by Alaska Natives and have a clear historical association with the *Region of Interest*.
- Items, both three-dimensional and archival, of historic significance in the exploration, settlement, and development of the *Region of Interest* by European, American and other non-Native groups and in the contact and relationship between Native and non-Native Alaskans.
- Objects from other regions may be included if there is a relationship to the history and development of the *Region of Interest*.
- Archival material depicting the region and its people, including photographic images, maps, or other graphic materials with possible exhibition or research use.
- Manuscript collections are not actively sought but are accepted if they may aid research or be of use in exhibitions.
- Art works included in the collection should represent of a wide variety of media, subject matter and artists. Objectives for media to be included and artists to be represented in the collection should reflect the wide range of materials and techniques used, and include artists both past and contemporary.
- Art objects selected for the collection should be the best examples of works that reflect or represent the local area or works being produced by local artists, rather than by a comparative judgement of quality with works from elsewhere.
- Some works of art created in an earlier age may qualify for inclusion in either the *Art Collection* or the *Historical Collection* and may be so directed at the discretion of the *Collections Committee*
- Collection of natural history material is appropriate when it's useful in promoting understanding of the cultural history of the area. The relationship between the natural history material and the cultural history should be explicitly justified and documented before its inclusion in the collection.

IV. OBJECTS IN CUSTODY

Potential gifts offered to the Museum will have a preliminary review by Museum staff to reject those which obviously will not be considered for acceptance. Such objects include living animals, obviously decomposing plant or animal matter, objects leaking liquids or shedding asbestos, or anything else that obviously appears to present an imminent danger to the Museum or staff. Such objects may also include those which staff clearly understands to be outside the scope of the Museum's collections policy. Gifts which have the potential to be found acceptable for consideration are taken into temporary custody at the discretion of the Executive Director.

The Museum accepts objects into temporary custody for the purposes of consideration for acquisition, for identification or temporary display. The Museum will not provide authentication or appraisals of any such items, nor will it accept items into temporary custody for those purposes. No employee shall identify or otherwise authenticate cultural artifacts under circumstances that could encourage or benefit the illegal, unethical, or irresponsible traffic in such materials or when there is reason to believe such identification will be used primarily for commercial purposes. Identification may be given for scientific or educational purposes or in compliance with the legitimate requests of tribal organizations, governmental bodies, or their agents.

When objects are accepted into temporary custody, a “*Temporary Custody/Deed of Gift*” form is executed. As a minimum, the following information is to be legibly recorded on the form:

- Name and contact information of the person offering the gift
- Declaration that the person offering the gift owns it and can legally give it
- Declaration of intent of the offer—if it is an unconditional transfer then the “Deed of Gift” box is checked. If it is for consideration by the Museum but the owner wants it back if the Museum decides it doesn’t want it, then the “Temporary Custody” box is checked.
- Name of the offered gift and a short description.
- As much background information as possible about the object’s ownership, use, relationship to Palmer or local residents, etc.

When the form is completed, it must be reviewed with the owner to ensure complete understanding of the agreement. Then the owner must sign the form, and it is to also be dated and signed for the Museum by either the Executive Director, Collections Manager, or the senior staff person available at the time.

After the form is signed by both parties, a copy is made for the person offering the gift. The original form is attached to the object and the object is transmitted to the Collections Manager. The original “Temporary Custody” form will be placed in the file and a copy will remain with the object until the *Collections Committee* decides its disposition. If the object is accessioned, information from the “Temporary Custody” form will be recorded in the PastPerfect database.

The *Collections Committee* shall evaluate all items offered for acquisition and potential addition to the *Permanent Collection* and decide their disposition in one of the following ways: accession into the *Permanent Collection*; convey to the Executive Director for possible inclusion into the *Education Collection*; defer a decision pending further staff evaluation; return to the owner; or disposal by the Executive Director.

Objects left in Temporary Custody for acquisition consideration must be reviewed by the Collections Committee within one hundred and eighty (180) days of the time of receipt.

If, when a person offers objects to the Museum and indicates on the “Temporary Custody” form that they wish to have the objects returned to them if rejected by the Museum, that person will be contacted following the *Collections Committee’s* acceptance decision is made. If the offer is accepted, a “Deed of Gift” form will be sent to the owner to be signed by him or her and returned to the Museum. If the gift is rejected by the Museum, the owner will be so notified and instructed to retrieve their property within 60 days. Items unclaimed after the appointed time will become the property of the Museum.

V. ACQUISITION and DOCUMENTATION

The Museum may acquire objects for its collections by gift, bequest, purchase, transfer, or exchange, provided that full ownership and title to all objects can be transferred to the Museum or City as appropriate.

The Collections Committee has the authority and responsibility to assess potential acquisitions and approve acquisitions for the Permanent Collection. When a potential gift is offered to the Museum, it may be accepted into temporary or permanent custody, at the discretion of the Executive Director. The Museum will execute and maintain a “Temporary Custody/Deed of Gift” form to document the acceptance of the gift as discussed in section IV above.

Direction and Guidance for Accepting Material for the Permanent Collection

The Collections Committee will consider direction and guidance outlined below, and using such evaluation techniques as the *Committee* may adopt in determining which material will be added to the *Permanent Collection*.

- Items must be appropriate to the Museum's Mission and must be considered to be within the Scope of Collections.
- The item's provenance is satisfactory.
- The object is determined to be in appropriate, museum-quality condition (i.e. not hazardous, extremely deteriorated, actively infested, etc.)
- Clear title can be obtained and retained by the Museum.
- All costs associated with acceptance are known and considered within reason, i.e. rental of storage space, immediate conservation needs, special storage, etc.
- The item is deemed potentially useful for exhibition, research or educational purposes.
- The Museum can properly care for and store the object.
- Objects that duplicate current holdings of the Permanent Collection will not be accepted unless they are of exceptional quality and/or historic value, or are appropriate for inclusion in the Educational Collection.
- The Museum will not acquire antiquities in violation of the UNESCO *Convention of Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership and Cultural Property* (1970).
- The Museum will not acquire any items that might reasonably be considered for repatriation under the Native American Grave Protection Repatriation Act (NAGPRA).
- The Museum will not acquire any items that violate any law, treaty, or regulation.
- The Museum will not acquire unscientifically, illegally, or unethically excavated archaeological materials, nor unethically or illegally obtained historical materials.

Historical Collection—

- Items in this collection shall contribute to a comprehensive understanding of the human history of the *Region of Interest*, from the earliest human habitation to the present.
- Objects and information included shall have a documented relationship to the human history of the region or provide information and understanding of former ways of life, personalities, or events which are part of the region's history.
- Factual documents, first-person accounts, oral histories and similar information pertaining to people and past events of the *Region of Interest* will be actively collected.
- The Museum will acquire representative and unique ethnographic objects and information related to Native history and culture of the *Region of Interest*. Such objects made or used by Alaska Natives may be from any period and may be solely decorative or utilitarian in nature.
- The Museum will acquire both three-dimensional and archival items of historic significance regarding the exploration, settlement and development of the *Region of Interest* by European, American and other non-Native groups, and in regard to the contact and relationship between non-Natives and Alaskan Natives of the area.

- When acquiring historical archival material, including photographs, the Museum shall make every reasonable effort to obtain all copyrights, publication rights, reproduction rights, and use rights to the works.

Art Collection—

- The Museum shall develop a comprehensive statement of objectives refining the collection Goal, and providing additional guidance concerning the scope and content intended for this collection in order to guide collection management decisions. Such guidance will likely include consideration of collection content such as media represented, art type, time periods, particular artists desired for inclusion, historical significance, and reflection of art characteristic and development of the *Region of Interest*.
- Additions to the *Art Collection* shall be guided by how the work would complement the stated collection objectives.
- The Museum will not acquire art requiring special handling, storage or other critical accommodation which the Museum is unable to provide.
- When acquiring art, the Museum shall make every reasonable effort to obtain all copyrights, publication rights, reproduction rights, and use rights to the works.

Direction and Guidance for Managing the Education Collection

- The Museum's *Education Program*, as defined by the Board of Directors, identifies the goal for allocating the Museum's education efforts and resources in support of our Mission. Managing the collection of objects and information in support of that goal is the responsibility of the Executive Director.
- The Executive Director may acquire, from any source, material necessary to meet education objectives, projects and activities in support of the education program goals, including reproductions of period objects useful for educational or interpretive purposes, and place such material in the *Education Collection*.
- The collection may include certain Natural History items deemed useful to the program. Such items as furs or other animal parts, taxidermy mounts, plants and other organic matter, chemicals and other potentially harmful materials require special management. The ability of the Museum to adequately store and manage such items must be assured before their acquisition.
- The *Collections Committee* may, from time to time, identify items more appropriate and useful to the *Education Collection* than the *Permanent Collection*, and therefore decide to forego accessioning in favor of making them available for education purposes.
- Accessioned material from the *Permanent Collection* may, from time to time, be used for display for education projects and activities, provided that necessary protection requirements are ensured.

Direction and Guidance on Purchase of items for the Collections

- The purchase price of the object must be determined to be fair.
- Funds must be available to cover the cost of the purchase, transportation, documentation, conservation, and storage of the object.
- The purchase price must be relative to the importance of the object to the collection.

- The Museum will consider the possibility that a comparable object might be obtained through gift or bequest.
- The relationship between the Museum and the owner should not constitute a conflict of interest.

Direction and Guidance on Gifts and Bequests

- The Museum reserves the right to determine which materials may be placed in the *Permanent Collection* or in the *Education Collection* and is not obligated to display gifted items.
- The Museum may deaccession or dispose of gifts as necessary and appropriate following applicable procedures.
- All gifts and donations to the Museum are tax deductible within the provision of the law.
- Museum employees and representatives shall not provide appraisals for any gifts. Individuals who require appraisals for tax purposes are advised to contact a disinterested third party appraiser and to review applicable tax law.

Direction and Guidance on Transfers and Exchanges

The Museum may accept transfers or exchanges of material from other Museums if the incoming material meets all acquisition requirements and the outgoing materials meet the criteria for deaccession. Material offered by the Museum for exchange must either be deaccessioned, following the Deaccession guidelines established by this policy, or never have been accessioned into the Permanent Collection prior to exchange.

Direction and Guidance on Documentation

The Executive Director is responsible for establishing procedures and professional standards for documentation as necessary. The process of documenting acquisition of items for the Museum's collections will consist of the following steps:

- **Proof or Declaration of Ownership:** When a gift is accepted by the Museum, the person giving the gift is required to sign a Deed of Gift (in some cases the Temporary Custody form will serve as the Deed of Gift), which transfers full ownership of the object to the City of Palmer. For artifacts purchased by the Museum for the collection, a receipt, invoice, or bill of sale must be obtained. All documents that transfer ownership must state that the owner has clear title to the object(s) and has the right to sell, or otherwise dispose of the object(s).
- **Acknowledgement:** For each gift, a formal acknowledgement (Thank You Letter) is sent to the person giving the gift by the Executive Director, accompanied by the Deed of Gift form if this form has not been previously executed.
- **Accession:** An accession record will be created in PastPerfect for each object or group of objects accessioned into the collection. Each accessioned object or group will receive a unique accession number.
- **Cataloging:** A catalog record will be created in PastPerfect for each object within each accession record and each object will receive a unique catalog number which will be permanently affixed to the object.

VI. DEACCESSION AND DISPOSAL

Direction and Guidance on Deaccessioning

Deaccessioning is the process of removing an object from the *Permanent Collection*. The decision to deaccession an object must be made with great care. The Executive Director has a fiduciary responsibility to protect and preserve the collections in the Museum's care, and deaccessioning should only occur following deliberation by the staff and the Museum Collections Committee.

Deaccessioning should be done for the purpose of advancing the quality and preservation of collections. Although the Museum recognizes that its collections are a permanent public trust, it may best serve the public interest to remove certain materials from its collection when they are no longer reflective of the Museum's purpose, mission, or scope of collections or pose a threat to other objects in the collection, Museum staff, or the facility. The Museum will follow applicable ethical and legal codes pertaining to the process, including American Association of Museum's *Code of Ethics for Museums*

Criteria for Deaccession

The following criteria must be met for items to be deaccessioned from the *Permanent Collection*.

- The City of Palmer has unconditional ownership and title of the object in question.
- The object(s) must have been in the collection for a minimum of two (2) years (except those objects repatriated).

Reasons for Deaccession

If an object meets the criteria above, it may be deaccessioned when one or more of the following conditions exists.

- Duplication: The object is of lesser quality of historic or artistic relevance than similar objects in the permanent collection.
- Irrelevance: The object does not contribute to fulfilling the Museum's mission or conform to the collections policy.
- Condition: The object is of poor condition – deteriorated, broken, etc. – and determined to be beyond repair.
- Authenticity: The object has been determined to be a fake or forgery, making it no longer appropriate to the Museum's mission and scope.
- Ability to Preserve: The museum does not have the ability to properly care for, protect, and preserve the object.
- Documentation: The object's documentation has been determined to be inaccurate or fraudulent, making it no longer appropriate to the museum's mission and scope.
- Quality: The object is not of appropriate quality or significance for collection exhibit, research or education purposes.
- Hazardous Material: An object has become dangerous because of damage, deterioration or chemical composition that could cause a threat to human health and safety, damage to other objects in the collection, fire, explosion, or other conditions of a destructive nature.
- Repatriation: An object is subject to repatriation under NAGPRA or other applicable International, Federal, or State Laws or treaties.

Deaccession Decisions and Approvals

All deaccessions must be approved by the Collections Committee based on the direction established in this policy. After approval by the Committee, the Executive Director and City Manager or his/her designee must then approve all deaccessions. Final authority for approving deaccession rests with the City Manager.

A "Deaccession Worksheet" will be completed for each potential deaccession. This worksheet will include the object's ID number, a description of the object, justification for deaccession, and approval blocks for the Executive Director and the City Manager. All objects deaccessioned shall be recorded as such in PastPerfect.

Direction and Guidance on Disposal

Acceptable Methods of Disposal of Deaccessioned Items

- Return to the person who made the gift to the Museum.
- Transfer to the Education Collection if appropriate.
- Transfer or exchange to another museum.
- Transfer to another educational institution, such as a library or school.
- Use for non-collection related Museum management functions if appropriate.
- Sell, with approval of the Collections Committee and at the discretion of the Executive Director. Any proceeds from the sale of items shall be used to benefit the Museum's collections.
- Give to a non-profit charitable organization.
- Destroy, if appropriate for severely deteriorated objects or specimens, fakes, forgeries, or hazardous material.

Unacceptable Methods of Disposal of Deaccessioned Items

- No city staff member or member of his or her immediate family may purchase an item they know to have been deaccessioned from the museum.
- No item shall be transferred to any Museum staff member or Museum Director.
- Deaccessioned items shall not be sold in the museum store.

Disposal of Non-Accessioned Items

Items in the care of the Museum that the *Collections Committee* determines will not to be accessioned into the *Permanent Collection* shall be disposed of in accordance with the acceptable methods of disposal outlined above.

VII. REPATRIATION

Direction and Guidance on Repatriation

On a case-by-case basis, the Museum will seek the advice of, and negotiate with, concerned parties regarding identification, care, and repatriation of culturally sensitive materials. Repatriation negotiations regarding the disposition of culturally sensitive materials may result in one of the following decisions:

- Retention of objects by the Museum with no restriction on their use, care, or exhibition.
- Retention of objects by the Museum with restrictions on their use, care, or exhibition.

- Temporary or long-term loan of Museum objects to concerned parties for use in their community.
- Repatriation of objects, which will be deaccessioned from the Museum's collection following established policies and procedures.

VIII. LOANS

Direction and Guidance on Incoming Loans

Incoming loans for use in temporary exhibitions, research purposes, or educational programs will be accepted, upon approval from the Executive Director, under the following conditions:

- Items borrowed will be initially accepted for a period of no more than one (1) year. Extension of the loan may be negotiated by the Executive Director for the period of time it is useful to the Museum.
- The Museum will not accept "permanent loans" or loans for the purpose of holding items in storage.

Incoming loans must be accompanied by a loan agreement that specifies the following:

- Description of the item or items being accepted by the Museum
- Description of the physical condition of the item or items
- Length of time of the loan
- Stipulations regarding cancellation of the loan prior to the agreed term
- Agreement regarding copying or photographing the item or items
- Any conditions, restrictions or instructions imposed by the lender, or any special handling agreements
- Identification of who is authorized to re-take possession of the items when the loan ends or any other time, and what restrictions or requirements may apply to the return
- Signature and date blocks for the lender and the Museum Director for the occasion of both the acceptance and return of the loaned items

The loan agreement will be signed and dated by the Executive Director and the lender. A copy of the signed agreement shall be kept on file at the Museum and a copy provided to the lender.

All items loaned to the Museum shall be handled with the same professional care given to items in the Museum's permanent collection. The Museum will not attempt to clean, repair, restore, or otherwise alter any materials which it accepts on loan, unless the lender authorizes such efforts in writing.

Unless the Museum is notified to the contrary in writing, it shall allow any and all materials on loan to be reproduced (photographed, photocopied, scanned, videotaped, etc.) by the general public and Museum staff for personal or non-profit purposes. Requests to take photographs for profit-making purposes of items held by the Museum on loan shall be allowed only if the photographer furnishes written permission to do so from the lender.

If the lender wishes to terminate the loan at any point during the agreed loan period, the lender must provide the Museum with written notice at least 30 days prior to termination. Longer notice periods for larger collections, or those on exhibit, may be specified in loan agreements.

The Museum shall not return a loaned item to anyone other than the person (or the legal representative of their estate) or organization from whom it was received without the lender's written authorization. The lender must present their copy of the Loan Agreement or proof of identification when retrieving objects.

In the event that a third party claims ownership to an article on loan to the Museum, the material in question will not be delivered to either party until clear ownership is established. The Museum may request a judicial settlement of ownership.

Failure of the lender to withdraw a loan within a reasonable time (6 months) after notification will cause the loaned object(s) to be stored at the lender's risk and expense and without insurance coverage.

When items held on loan by the Museum are returned to the lender, a form indicating receipt by the owner must be completed and filed at the Museum.

Direction and Guidance on Outgoing Loans

Outgoing loans must be accompanied by a loan agreement that specifies the following:

- Identification of the person or entity being loaned to
- Description of the item or items being loaned by the Museum
- Description of the physical condition of the item or items
- Length of time of the loan
- Stipulations regarding cancellation of the loan prior to the agreed term
- Agreement regarding copying or photographing the item or items
- Any conditions, restrictions or instructions imposed by the Museum, or any special handling requirements
- Identification of who is authorized to re-take possession of the items when the loan ends or at any other time, and what restrictions or requirements may apply to the return
- Signature and date blocks for the borrower and the Museum Director for the occasion of both the lending and return of the loaned items

This loan agreement must be signed and dated by the Executive Director and the borrower. A signed copy of the agreement shall be kept on file at the Museum and a copy provided to the borrower.

The museum may loan objects from its Permanent Collection to other non-profit museums for display, research, and educational purposes. Items in the Education Collection may be loaned to a wider borrowing base. The Museum reserves the right to deny any and all requests for loans. All loans will be made at the discretion of the Museum's Executive Director. It is the responsibility of the Executive Director to assess the ability of the proposed borrower to provide appropriate care for the object(s), ensure security, and confirm that the borrower can meet the Museum's potential needs for access to the material. The borrower must agree to conditions outlined in the loan agreement. Only those materials for which the Museum can prove ownership may be loaned. All loans will be made in accordance with international, federal, state, and local regulations pertaining to the treatment of archaeological materials and materials from protected and endangered species.

Items from the Museum's collection will be loaned for short terms only, with the amount of time specified on the loan agreement. The Museum reserves the right to cancel the loan for good cause at any time and will make every effort to give the borrower reasonable notice.

Objects loaned by the Museum remain insured by the Museum's policy while in transit to and from the borrower's facility and while in the borrower's care. The Museum may require the borrower to arrange for valuations of the loaned material by a mutually agreed upon third party and provide additional insurance, as stipulated in the loan agreement.

Unless otherwise agreed, all costs of packing, transportation, customs, insurance, and other loan-related costs shall be borne by the borrower. In addition, the borrower shall bear the costs of repair of any damage to the objects loaned by the Museum and objects shall not be treated or altered in any way, unless written permission is given by the Museum.

Objects in the Education Collection may be loaned to individuals and organizations for appropriate uses at the discretion of the Executive Director. Such loans will normally be of relatively short term and will be accompanied by execution of an Outgoing Loan Agreement.

IX. UNCLAIMED OR UNDOCUMENTED PROPERTY

[Note: legal citations below may no longer be current at the time when the actions described are anticipated and must be reconfirmed at that time.]

Direction and Guidance on Unclaimed Loans

The Museum may take ownership of documented property loaned to the Museum after following the procedures in Alaska Statute Sec. 14.57.200. The following is a summary of procedures laid out in the statute:

- A minimum of seven (7) years have passed after the loan's expiration date and there has been no contact between the lender and the Museum; or the loan has no expiration date and a minimum of seven (7) years since the loan was made have passed without any contact between the Museum and the lender.
- The Museum must first send a notice by certified mail to the lender's last known address.
 - The notice shall contain a statement of termination, description of the property, contact information (name, telephone, and address) of the appropriate person to be contacted at the Museum for information regarding the property, the lender's name and contact information, and a statement of how the Museum will proceed in the process of acquiring the property if no contact is made.
 - Notice of *Intent to Terminate* a loan shall contain the following language: "The records of the Palmer Museum of History and Art of Palmer, AK, indicate you have property on loan to it. The Museum wishes to terminate the loan." OR "The period of the loan has expired. You must contact the Museum, establish your ownership of the property, and make arrangements to collect the property."
 - If the Museum does not have an address for the lender or contact is not made within thirty (30) days from the date the notice was mailed, the Museum shall publish notice at least once a week for four (4) consecutive weeks in a newspaper of general circulation in the Museum's judicial district and the district in which the lender was last known to reside.

- The notice shall contain the lender's name, the lender's last known address (if known), the date of the loan, the address and contact information of the appropriate person to be contacted at the Museum for information regarding the property, and a statement that if the lender does not claim the property within forty-five (45) days from the date of the last published notice, the property will become the property of the City of Palmer.
- After all of the above have been satisfied, the Museum may claim ownership to the property on the forty-sixth (46th) day after the last publication of notice if no claims of ownership have been made.

Direction and Guidance on Undocumented Property

The Museum may take ownership of undocumented property in its collection (those items for which ownership cannot be determined) after following the procedures in Alaska Statute Sec. 14.57.210 as of 2010. The following is a summary of procedures laid out in the statute:

- The Museum has documented proof that it has been in possession of the item for at least seven (7) years.
- If the item appears to be a Native artifact, the Museum will notify by mail all corporations, except nonprofit corporations, created under 43 U.S.C. 1601 et seq. (Alaska Native Claims Settlement Act) that the property appears to be a Native artifact. The written notice will request that the notified entity view and identify the property, and claim it if appropriate within one year of the written notice. The notice shall additionally specify that the Museum may take steps towards asserting ownership if no claim has been filed within the one year period.
- The Museum will publish a notice in a newspaper of general circulation in the Museum's judicial district, in accordance with Alaska Statutes, that includes a description of the property, the date of acquisition, contact information (name, telephone, and address) of the appropriate person to be contacted at the Museum for information regarding the property, the date of the last publication of notice, and a statement that the Museum will acquire ownership to the property if no claim is made within forty-five (45) days after the last notice is published.
- After all of the above have been satisfied, the Museum may claim ownership to the property on the forty-sixth (46th) day after the last publication of notice if no claims of ownership have been made.

Reclamation

Any property acquired under AS 14.57.200 or AS 14.57.210 is subject to reclamation under AS 14.57.200, which states that the lender or owner has two (2) years to bring legal action against the Museum to claim the property.

X. DOCUMENTATION

Direction and Guidance on Documentation

It is the duty of the Executive Director to develop and maintain records and files as are necessary and appropriate to control, record, track, and otherwise maintain the collections. These records shall include, but are not limited to: entry records, accession records, deed of gift forms, catalog records, image files, deaccession records, loan records, and condition reports. The PastPerfect system may be used to prepare and store such records.

Accessioned items shall be catalogued in the PastPerfect computer database. Transaction forms available in PastPerfect should be used if they serve our purpose, or custom forms may be developed at the discretion

of the Executive Director. Backup copies shall be made of the database, including digitized copies of executed custom forms, and stored in a secure off-site location.

XI. COLLECTIONS CARE

Direction and Guidance on Care of the Collections

Objects in the Museum's Permanent Collection are held in the public trust and, as such, the Museum will strive to attain high standards of collections care. It is the policy of the Museum that items will be exhibited, stored, and maintained in accordance with accepted professional standards to the degree possible consistent with staff, facility, and financial resources. The Executive Director has the authority and responsibility to develop procedures necessary to maintain the collection in the best possible condition and order. In addition, the Executive Director will develop plans as necessary to upgrade storage conditions.

- Storage: Items not on display or undergoing conservation will be kept in secure storage. Access to secure storage will be limited to permanent staff members. Visitors, volunteers, and temporary staff may access collections only under the supervision of a permanent staff member. Archival quality materials should be used for the storage of objects, whenever possible.
- Handling: Objects in the Museum's Permanent Collection should be handled only when necessary. Hands should be clean and gloves worn whenever practical.
- Display: Collection items will be made available for public viewing accompanied by appropriate interpretive information in exhibits at the discretion of the Executive Director.
- Collection Inventories & Assessments: The Executive Director will periodically assess the condition of objects within the collections, especially those appropriate for exhibition or loan purposes.
- Conservation Treatments: When objects require remedial treatment, such treatment should only be carried out by a recognized, professional conservator. All treatments must be approved by the Executive Director.
- Pest Control: Museum staff will monitor collections storage and exhibit areas for pest activity. Items entering the Museum will be inspected for pest infestation before acceptance into the collections. Storage and display areas will be cleaned regularly. Infested objects will be adequately treated, and, or isolated.
- Environmental Conditions: Temperature and relative humidity levels should be kept as stable as possible in both storage and exhibition areas. The Museum will strive to ensure that these levels remain within professionally accepted standards.
- Radiation: The Museum will strive to eliminate Ultraviolet (UV) light from storage and exhibition areas. Lights should be turned off when rooms holding collections are not in use.
- Culturally Sensitive/Sacred objects: If the Museum obtains ownership of culturally sensitive or sacred objects, it will work with the appropriate tribal or cultural representative to establish guidelines for the care of the objects.

Objects on loan to the Museum will be treated with the same level of care as those in the Museum's Permanent Collection. Because objects in the Education Collection are subject to more general wear and are typically intended for hands-on use, a standard of "reasonable care" is appropriate for such items.

XII. ACCESS AND USE

Direction and Guidance on Education and Research Use:

The Museum's collection is considered an educational resource. It is available to the public through exhibitions during regular Museum open hours and by appointment. The collection and the Museum's collection records are available for research by appointment, subject to the approval of the Executive Director. Visitors and researchers may access the collections storage area only under the supervision of Museum staff. Only staff members are authorized to remove items from storage.

Direction and Guidance on Commercial Use:

Photographic duplication of objects, documents and photographs in the Museum's collection shall be allowed according to conditions and a fee schedule established by the Executive Director and approved by the Board of Directors. Upon approval of said conditions and fee schedule, the Executive Director will administer all commercial use requests. Applicable conditions and fees should be reviewed periodically by the Board.

XIII. COPYRIGHT/USE RIGHTS

Direction and Guidance on Rights of Ownership and Use

Copyrights to all materials owned by the City of Palmer are covered in accordance with current copyright law. Unless otherwise limited by negotiated agreement or copyright law, the Museum shall endeavor to obtain all rights to materials acquired by gift or purchase for the Permanent Collection.

XIV. RISK MANAGEMENT

Direction and Guidance on Managing Risks to the Collections

Museum staff members are responsible for assuring that all items in its care are reasonably protected against fire, theft, vandalism, natural disaster or other harm. Rooms in which objects are stored and/or exhibited must be locked during closed hours. In addition, the building housing the collections will be protected by an electronic security system.

The Executive Director will monitor potential risks to the collections under the Museum's care and develop mitigation strategies when a risk has been identified.

Any alteration in the level of security or the state of the collection's environment should be dealt with promptly. The Executive Director will develop and maintain an emergency preparedness plan that provides for the care of Museum personnel, property and the collections under its care in the event of a museum emergency. The plan will be reviewed and appropriate actions practiced by Museum staff annually and reviewed by the Board of Directors at least every five years to ensure preparedness.

XV. INSURANCE

Unless objects are covered by a specific insurance policy, the City of Palmer liability for loss or damages will be subject to recovery if loss or damage occurs while in the custody of the Museum and/or the City of Palmer and the loss can be proved to be caused by negligence or wrongful act.

The City of Palmer's collections are insured on the premises of the Visitor Center building. Objects typically remain insured through the Museum while in transit and while in the custody of borrowers, as negotiated through loan agreements or contracts.

On request by a Lender, and approval by the City of Palmer, on a case-by-case basis, loaned objects will be insured by the City of Palmer under an all risk, wall-to-wall fine arts policy subject to standard exclusions. Insurance will be placed in the amount agreed to by the Lender and Executive Director. The amount of the value must not exceed \$5,000 unless approved by the City of Palmer. Lenders to the Museum are to be advised that the Museum can only afford to maintain limited insurance coverage and that the Lender may wish to purchase their own insurance. If the Lender elects to maintain his/her own insurance coverage, the Museum must be supplied with a certificate of insurance naming the Museum and the City of Palmer as additionally insured or waiving rights of subrogation. The Museum and the City of Palmer shall not be responsible for any error or deficiency in information furnished to the Lender's insurer for any lapses in coverage. In the case of long-term loans, the Lender is responsible for updating insurance valuations. The amount payable by an insurance policy is the sole recovery available to the Lender in the event of loss or damage.

Terms of insurance coverage of the art collection owned by the Palmer Museum of History & Art are as spelled out in such policy as may be in effect and agreed to by the Board of Directors.

XVI. VOLUNTEERS AND INTERNS

Volunteers may be useful in managing aspects of the collections, including research, inventory, cataloging, exhibit preparation, etc. Volunteers work for the Museum without pay. Interns are often students enrolled in a college or other school classes for credit. Prospective volunteers and interns are encouraged to discuss the Museum's needs and possible work with the Executive Director and staff member who supervises the area of interest.

Volunteers and interns are recruited, selected, trained, supervised, evaluated, and dismissed when necessary by the Executive Director and Museum staff as appropriate. They shall work under appropriate staff supervision, especially in the more sensitive and secured situations. Requirements regarding applications, work schedules and record keeping are established and negotiated as appropriate by the Executive Director.

XVII. REVIEW OF THE POLICY

Formal review of this Collections Policy shall take place at least once every five (5) years from the date of last review to ensure that it conforms to prevailing standards of museum management and that it reflects any significant change in personnel, physical conditions, policy direction or other important circumstances. Changes or amendments to this policy may be proposed at any time and shall be brought to the attention of the Museum Board of Directors by the Executive Director.

XVIII. ENDORSEMENT

Upon adoption by the Museum Board of Directors, this policy shall be signed and dated by the Board President and Executive Director, and reviewed and signed by the Palmer City Manager.

PMHA Board President

Date

PMHA Executive Director

Date

Palmer City Manager

Date

APPENDIX

DEFINITIONS:

(See also definitions under *Scope of Collections* above)

- Accessioning - formal process used to accept legally and to record a specimen or artifact as a collection item (Malaro, 1979); involves the creation of an immediate, brief and permanent record using a control number or unique identifier for these objects added to the collection from the same source at the same time, and for which the institution accepts custody, right, or title (Cato and Webb, 1993). Accessioning may be preceded by the Temporary Custody process when an object is temporarily deposited with the Museum for review, at which point it may be accepted or rejected.
- Acquisition – the process by which the Museum obtains legal ownership and title to an object or takes legal ownership in the name of the City of Palmer.
- Archives - non-current records of an organization or institution preserved because of their continuing value (Cato and Webb, 1993). They include institutional records (e.g., board minutes, administrative documents, financial records, departmental files, scientific field notes, manuscripts, illustrations, and photographs), records relating to collection objects, and acquired records (e.g., papers of individuals and organizations that relate to the Museum's mission).
- Artifact - human-made item, often manufactured or created from naturally-occurring materials and made for use in a cultural context (Cato and Webb, 1993).
- Cataloguing - creation of a full record in complete descriptive detail of information about a specimen or artifact, cross-referenced to other records and files; includes the process of identifying and documenting these objects in detail, and integrating them into the collections (Cato and Webb, 1993).
- Collecting - the process of sampling the natural and cultural world using a variety of techniques that are dependent on (1) the organism or material being obtained and (2) the intended use for the sample or the research methods likely to be applied (Cato and Webb, 1993).
- Collection - (1) a group of specimens or artifacts with like characteristics or a common base of association (e.g., geographic, donor, cultural); (2) an organizational unit within a larger institutional structure (e.g., a collection within a high school biology department) (Cato and Webb, 1993). Objects in the care of the Museum are defined as either in the Permanent or Education Collection. Permanent Collection items are accessioned objects, held in the public trust. Education collections are not viewed as a permanent resource of the Museum but as an expendable resource for educational use.
- Collections Care - the responsibility and function of an institution with collections that involves developing and implementing policies and procedures to protect the long-term integrity of specimens and artifacts, as well as their associated data and documentation for use in research, education, and exhibits (Cato and Webb, 1993).
- Collections Management - the responsibility and function of an institution that fosters the preservation, accessibility, and utility of its collections and associated data. The management process involves responsibilities for policy development and implementation, including: specimen acquisition, collection growth, and deaccessioning; planning and establishing collection priorities; obtaining, allocating, and managing resources; and coordinating collection processes with the needs of curation, preservation, and object use (Cato and Webb, 1993).

- Conservation - the application of science to the examination and treatment of museum objects and to the study of the environments in which they are placed (Duckworth et al., 1993). This involves activities such as preventive conservation, examination, documentation, treatment, research, and education (American Institute for Conservation, 1993).
- Cultural Collections - collections of human-made or human-used artifacts (e.g., archaeological, historic, ethnographic, artworks, photographic, etc.).
- Curation - process whereby specimens or artifacts are identified, organized, and researched according to discipline-specific criteria using the most recently available scientific literature and expertise; a primary objective of this process is to verify or add to the existing documentation for these objects, and to add to knowledge (Cato and Webb, 1993).
- Deaccession - formal process used to remove an object permanently from the collection (Malaro, 1979). Because deaccessioning can be a sensitive issue with certain types of collections, the mechanisms in place for decision-making must address legal constraints, ethical concerns, and professional standards. Deaccessions should occur only with careful review and written approval of the appropriate staff, collections review committee, director and/or board (Cato and Webb, 1993). Deaccessioning does not apply to those objects that were never accessioned.
- Deterioration - change in an object's physical or chemical state. "Damage", on the other hand, is the consequent loss of attributes or value: aesthetic, scientific, historic, symbolic, monetary, etc." (Michalski, 1992).
- Direction- policy decisions and statements reflecting required actions. Direction statements often include the terms "shall" or "must" in reference to the actions required.
- Documentation - supporting evidence, recorded in a permanent manner using a variety of media (paper, electronic, photographic, etc.), of the identification, condition, history, or scientific value of a specimen, artifact, or collection. This encompasses information that is inherent to the individual specimen and its associations in its natural environment as well as that which reflects processes and transactions affecting the specimen (e.g., pre-accessioning, accessioning, deaccessioning, cataloging, loaning, shipping, inventory control and tracking location of objects, preparation history of specimens, management of objects on exhibit, sampling, analysis, treatment, rights and reproductions, etc.). Documentation is an integral aspect of the use, management, and preservation of a specimen, artifact, or collection (Cato and Webb, 1993). Supporting documentation includes, but is not limited to, object catalogues and data files, archival and library materials, field records, maps, and exhibits.
- Guidance- policy statements providing suggested, recommended or allowed actions. Guidance statements often include the terms "will", "should" or "may" in reference to the actions considered.
- Maintenance - routine actions that support the goals of preservation of and access to the collection such as monitoring, general housekeeping, providing appropriate storage and exhibition conditions, and organizing a collection (Cato and Webb, 1993).
- Natural Science Collections - collections of nature-made specimens (e.g., paleontological, geological, biological).
- Objects - material, tangible items of any kind; an inclusive, non-specific term for specimens (nature-made) and artifacts (human-made).
- Policies and Procedures - policies are the working set of parameters that provide a framework for decision-making and desired action in a given situation. They must provide guidance for situations that

may not have occurred, thus they must be broad and inclusive enough to cover potential situations, but not so broad as to be useless. Procedures, by contrast, provide the mechanism and details needed to implement the policy. Collections policies and procedures must take into account professional standards and guidelines and mold them to the institutional setting, with a consideration of the institutional mission, objectives, and available resources (Cato and Williams, 1993). Approved, written collections policies and procedures provide judicious direction, continuity, and predictability for collections staff, the board, and the institution.

- Preparation - the procedures used in the field or in the institution to enhance the utility of an organism, object, or inorganic material for a specified use. The resulting specimen may represent only a portion of the original organism or material or may be otherwise altered from its original state. Procedures should be compatible with intended uses and conservation objectives, and should be documented (Cato and Webb, 1993).
- Preservation - those aspects of conservation that involve preventive measures, such as maintenance procedures and correcting adverse environmental conditions; with respect to natural science collections, preservation also includes treatments carried out to prepare specimens (Cato and Webb, 1993).
- Preventive conservation - actions taken to minimize or slow the rate of deterioration and to prevent damage to collections; includes activities such as risk assessment, development and implementation of guidelines for continuing use and care, appropriate environmental conditions for storage and exhibition, and proper procedures for handling, packing, transport, and use (Cato and Webb, 1993).
- Record - permanent paper document, photograph, and/or electronic file related to the registration of objects (transfer of title, provenance, accession, condition, location, usage history, loan, and deaccession) or documentation of objects
- Registration - (1) the process of assigning an immediate and permanent means of identifying a specimen or artifact for which the institution has permanently or temporarily assumed responsibility; one facet of documentation; (2) as an institutional function, includes the logical organization of documentation and maintaining access to that information (Cato and Webb, 1993).
- Specimen - an organism, part of an organism, or naturally-occurring material that has been collected, that may or may not have undergone some preparation treatment. It may exist in its original state, in an altered form, or some combination of the two. A specimen may be comprised of one element or many related pieces. It may be composed of one physical or chemical component or represent a composite of materials (Cato and Webb, 1993).
- Stabilization - treatment of an object or its environment in a manner intended to reduce the probability or rate of deterioration and probability of damage (Cato and Webb, 1993).
- Temporary Custody – An object is considered to be in Temporary Custody if it is left in the care of the Museum on a temporary basis, without transfer of ownership, for the purpose of consideration for acquisition or identification.
- Treatment - action taken, physically or chemically, to stabilize or make accessible a specimen or artifact; includes, for example, techniques such as preparation, cleaning, mending, supporting, pest eradication, and consolidation (Cato and Webb, 1993).

RESOURCES

Buck, Rebecca A., and Jean Allman Gilmore, eds. *MRM5: Museum Registration Methods*. Washington, DC: AAM, 2010.

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Malaro, Marie C. *A Legal Primer on Managing Museum Collections*. 2nd ed. Washington, D.C.: Smithsonian Institution, 1998.

Museum Accreditation Program, Museums Australia. "Collection Policy Template." *Museum Accreditation Program*. Museums Australia, 2007. 10 June 2011.
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Simmons, John E. *Things Great and Small: Collections Management Policies*. Washington, DC: American Association of Museums, 2006.



Palmer City Council Meeting
Meeting Date: 03/26/2024
Department: City Clerk's Office

K. 1.

Subject
Approval of Letter to the Attorney General from the City of Palmer

Summary Statement/Background

Administration's Recommendation:

Attachments

Letter to Attorney General



**Palmer Mayor and
Palmer City Council**
City of Palmer
231 W. Evergreen Ave.
Palmer, Alaska 99645-6952

March 21, 2024

To: Attorney General for the State of Alaska, Treg Taylor

Re: Follow up to the November 16, 2023, letter and a request for a Legal Opinion from the Office of the Attorney General determining whether the attached list of challenged books meet the legal definition of materials that are 'harmful to minor' under Alaska's criminal code.

Dear Attorney General Treg Taylor,

The Mayor and the Palmer City Council are requesting a legal opinion from the Office of the Attorney General as to *Whether the attached list of challenged/controversial books meet the legal definition of obscene materials or materials that are 'harmful to minors' under Alaska's criminal code?*

This concern arose when The Palmer Police Department had members of the public asking for the police to arrest the Palmer Public Librarians. These requests were made under AS 11.61.128 Distributions of Indecent Materials to Minors.

Palmer is asking for this guidance as a follow up to your November 16, 2023, letter to Alaska School and Public Libraries. We have been in the process of evaluating and confirming our compliance with Alaskan law. The City of Palmer appreciates the information of the three criminal laws which are most relevant to the circumstances of minors having access to books or similar materials that have graphic depictions of sexual content (whether in sketched or written format).

However, the November 16th letter has spurred much public debate regarding what books are legally considered obscene materials as well as members of the public requesting for librarians to be arrested and prosecuted for checking out certain public library materials to minors, particularly those materials on the challenged book list, (See Attached List).

As a result of these circumstances the City of Palmer is being asked to answer the question as to, "Whether under Alaska criminal statutes, can any of the Palmer Public Librarian(s) be arrested and prosecuted for distributing obscene materials to minors, when a minor check out a controversial or challenged book from the Palmer Public Library?" The City of Palmer cannot answer this question without clarification if the books in the attached list are legally considered to be material(s) that are "harmful to minors" as defined by Alaska Criminal Statutes.

There is a substantial and urgent need for further clarification as it pertains to defining any potential criminal liability of public librarians. As the head of all District Attorneys responsible for prosecuting criminal activity- we, the elected officials of the City of Palmer are seeking a legal opinion determining if the materials listed in the attachment to this letter rise to the legal definition of harmful to minors, as defined in AS 11.61.128(c).

It is our understanding that while case law has historically evolved regarding defining what is legally considered obscene, it is the Supreme Court Case *Miller v. California* which established the Miller's test in 1973 and then further refined by *Pope v. Illinois* in 1987, that were then codified into Alaskan law. The type and content of published books and materials for minors has significantly changed since these laws and rulings were created.

As such, the City of Palmer is seeking further clarification determining if any of the attached list of 56 challenged library materials meet the definition of obscene materials under Alaska Criminal Statutes from your Office; this determination will answer the question regarding the possibility of criminal charges against Palmer Public Librarians.

This issue has occurred in other jurisdictions around the United States where the local Prosecutor or Sheriff's Office (s) offered further guidance on whether the distribution of certain library materials meet the elements of the criminal code. It would be helpful for Alaska's Department of Law through the Office of the Attorney General to offer guidance as to whether the challenged materials are harmful to minors and if consequently the librarians would be subject to criminal charges.

The City of Palmer understands that this is a case specific situation and as such is requesting guidance on the attached list of challenged books on the basis that community members allege these books have graphic sexual content that is not just inappropriate for the viewing of minors but has risen to the level of criminal conduct committed by the Palmer Public Librarians. The City of Palmer is currently navigating our policies and conduct of our organization to ensure compliance with the law and as such are seeking the support and guidance from the Department of Law.

A legal determination by the Office of the Attorney General will be used to ensure that the City's policies, including our material collection development policy, are in alignment with Alaskan law.

Thank you for your assistance in resolving this urgent issue.

List of Challenged Books (56):

- 1) *The Lovely Bones* authored by Alice Sebold
- 2) *Lucky* authored by Alice Sebold
- 3) *Call Me by Your Name* authored by Andre Aciman
- 4) *You a Novel* authored by Caroline Kepnes
- 5) *Red, White, and Royal Blue* authored by Casey McQuiston
- 6) *It Ends with US* authored by Colleen Hoover
- 7) *Ugly Love* authored by Colleen Hoover
- 8) *Verity* authored by Colleen Hoover
- 9) *Red Hood* authored by Elena Arnold
- 10) *Living Dead Girl* authored by Elizabeth Scott
- 11) *Crank* authored by Ellen Hopkins
- 12) *Identical* authored by Ellen Hopkins
- 13) *Perfect* authored by Ellen Hopkins
- 14) *Tilt* authored by Ellen Hopkins
- 15) *Tricks* authored by Ellen Hopkins
- 16) *The Freedom Writers Diary* authored by Erin Gruwell
- 17) *Wicked: The Life and times of the Wicked Witch of the West* authored by Gregory Maguire
- 18) *Exit Here* authored by Jason Myers
- 19) *Breathless* authored by Jennifer Niven
- 20) *The Haters* authored by Jesse Andrews
- 21) *The Carnival at Bray* authored by Jessi Ann Foley
- 22) *Nineteen Minutes* authored by Jodi Picoult
- 23) *Extremely Loud and Incredibly Close* authored by Jonathan Safran Foer
- 24) *Forever* authored by Judy Blume
- 25) *Kite Runner: Graphic Novel* authored by Khaled Hosseini
- 26) *Kite Runner* by Khaled Hosseini
- 27) *The Duff* authored by Kody Keplinger
- 28) *Slaughterhouse Five* authored by Kurt Vonnegut
- 29) *I Never* authored by Laura Hopper
- 30) *L8r, G8r* authored by Lauren Myracle
- 31) *Shine* authored by Lauren Myracle

- 32) *YOLO* authored by Lauren Myracle
- 33) *Last night at the Telegraph Club* authored by Malinda Lo
- 34) *The Handmaid's Tale* authored by Margaret Atwood
- 35) *This One Summer* authored by Mariko Tamaki
- 36) *Persepolis* authored by Marjane Satrapi
- 37) *Persepolis 2* authored by Marjane Satrapi
- 38) *How Beautiful the Ordinary* authored by Michael Cart
- 39) *Flamer* authored by Mike Curato
- 40) *Sex: an uncensored guide* authored by Nikol Hasler
- 41) *Sold* authored by Patricia McCormick
- 42) *Drama: A Graphic Novel* authored by Raina Telgemeier
- 43) *The Handmaid's Tale: A Graphic Novel* authored Margaret
Atwood
- 44) *Its Perfectly Normal, 1st edition* authored by Robie Harris
- 45) *Water for Elephants* authored by Sara Gruen
- 46) *A Court of Thorns and Roses* authored by Sarah J. Maas
- 47) *A Court of Frost and Starlight* authored by Sarah J. Maas
- 48) *A Court of Mist and Fury* authored by Sarah J. Maas
- 49) *A Court of Silver Flames* authored by Sarah J. Maas
- 50) *A Court of Wings and Ruin* authored by Sarah J. Maas
- 51) *Empire of Storms* authored by Sarah J. Maas
- 52) *Kingdom of Ash* authored by Sarah J. Maas
- 53) *The Perks of Being a Wallflower* authored by Stephen
Chbosky
- 54) *Monday's Not Coming* authored by Tiffany D. Jackson
- 55) *The Bluest Eye* authored by Toni Morrison
- 56) *Homegoing* authored by Yaa Gyasi



Palmer City Council Meeting
Meeting Date: 03/26/2024
Department: City Clerk's Office

K.

Subject
NEW BUSINESS

Summary Statement/Background

Administration's Recommendation:



Palmer City Council Meeting
Meeting Date: 03/26/2024
Department: City Clerk's Office

N.

Subject

COMMITTEE OF THE WHOLE - To discuss Ordinance No. 24-002: Amending Palmer Municipal Code Title 4, Personnel (Action may be taken by the Council following Committee of the Whole) (A Public Hearing will be scheduled in April 2024)

Summary Statement/Background

Administration's Recommendation:

Attachments

Ordinance Serial No. 24-002

**City of Palmer
Ordinance No. 24-002**

Subject: Approval of Revisions to Palmer Municipal Code, Title 4 - Personnel

Agenda of: March 12, 2024

Council Action: **Adopted** **Amended:** _____
 Defeated

Originator Information:

Originator: Kimberly Green, Human Resources Manager

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
_____	Finance	_____	_____
_____	Fire	_____	_____
_____	Police	_____	_____
_____	Public Works	_____	_____

Certification of Funds:

Total amount of funds listed in this legislation: \$ _____

This legislation (√):

- Creates revenue in the amount of: \$ _____
- Creates expenditure in the amount of: \$ _____
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (√):

- Budgeted Line item(s): _____
- Not budgeted _____

Director of Finance Signature: _____

Approved for Presentation By:

	Signature:	Remarks:
City Manager	_____	_____
City Attorney	_____	_____
City Clerk	_____	_____

Attachment(s):

1. Ordinance No. 24-002

Summary Statement/Background:

PMC Title 4 was last fully updated in 2008. Since that time, there have been numerous changes to Federal and State employment laws, as well as changes in best practices. This update brings Title 4 current with various regulations and includes updated definitions, policies, and procedures.

Administration's Recommendation:

Adopt Ordinance No. 24-002

LEGISLATIVE HISTORY

Introduced by: Manager Moosey
Date: 3.12.2024
Public Hearing: 3.26.2024
Action:
Vote:

Yes:	No:

CITY OF PALMER, ALASKA

Ordinance No. 24-002

An Ordinance of the Palmer City Council Amending Palmer Municipal Code, Title 4 to Reflect Changes in Federal and State Laws and to Include Current Employment Law Best Practices.

WHEREAS, Palmer City Code, Title 4, was created in 2008; and

WHEREAS, Palmer City Code, Title 4 has been occasionally updated since that time but largely remains unchanged; and

WHEREAS, the city recognizes the need to updated the code to reflect changes in employment law.

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application to the other persons or circumstances shall not be affected thereby.

Section 3. Palmer Municipal Code Section _____ is hereby amended to read as follows (new language is underlined and deleted language is stricken):

INSERT CODE CHANGES HERE (not in bold)

- 4.05 ~~General Provisions~~
- 4.10 ~~Position Classifications~~
- 4.15 ~~Employment~~
- 4.20 ~~Hours of Work, Holidays with Pay, and Overtime~~
- 4.30 ~~Types of Leave~~
- 4.40 ~~Grievances~~
- 4.50 ~~Disciplinary Action and Termination~~
- 4.60 ~~Expenses Related to City Business~~
- 4.70 ~~Computer Use, Social Media Use, and Facebook Standard Policy~~
- 4.80 ~~Personnel Inquiries and Requests~~

- 4.90 ~~Sexual Harassment Policy~~
- 4.100 ~~Harassment and Discrimination Policy~~
- 4.110 ~~Drug-Free Workplace Policy~~
- 4.120 ~~Alcohol and Controlled Substance Definitions and Testing~~
- 4.130 ~~Drug-Free Workplace Policy Applicability for Commercial Drivers~~
- 4.140 ~~Whistleblowers Protection Policy~~
- 4.150 ~~Legal Representation~~

Chapters:

- 4.05 General Provisions
- 4.10 Position Classifications
- 4.15 Employment
- 4.20 Hours of Work, Holidays with Pay, and Overtime
- 4.30 Types of Leave
- 4.40 Grievances
- 4.50 Disciplinary Action, Termination, Layoffs, Resignations and Retirements
- 4.60 Expenses Related to City Business
- 4.70 Computer Use, Social Media Use, and Facebook Standard Policy
- 4.80 Personnel Inquiries and Requests
- 4.90 Sexual Harassment Policy
- 4.100 Harassment and Discrimination Policy
- 4.110 Drug-Free Workplace Policy
- 4.140 Whistleblowers Protection Policy
- 4.150 Legal Representation
- 4.160 ADA Accommodations

Palmer Municipal Code Section 4.05.005 Definitions is hereby amended as follows (new language is underlined and deleted language is stricken):

~~D. "At will employee" means an employee that is employed at the will of the city and can be dismissed at any time for any reason. All temporary, on call, seasonal employees, the police chief, the fire chief, and all department directors are at will.~~

D. "At- will Employee" means an employee that is employed at the will of the city and can be dismissed at any time for any reason. All temporary, on-call, and seasonal employees, police chief, fire chief, and all Department Directors are at-will. Temporary, on-call, and seasonal employees may be terminated at the completion of their assignment (season) or may be retained based on the needs of the city.

~~E. "Certified trainer" means an employee who is certified by a state or federal agency or a recognized professional organization to provide training.~~

E. "Certified Trainer" means an employee who is certified by a state or federal agency or a recognized professional organization to provide training.

~~F. "City manager" means city manager or designee, and acting city manager in the absence of the city manager.~~

F. "City Manager" means City Manager or designee or acting City Manager in the absence of the City Manager.

~~G. "Classified service" shall be comprised of all positions with the exception of elective and appointive officers, and at will employees.~~

G. "Classified Service" shall be comprised of all positions except for elective, appointive officers, and at-will employees.

~~H. "Computation of time," except when otherwise provided, means the time within which an act is required to be done and shall be computed by excluding the day of the act, event or default from which the designated period of time begins to run and including the last day of the period unless the last day is Sunday or a holiday, in which case it shall also be excluded.~~

H. "Computation of Time" except when otherwise provided, means the time within which an act is required to be done and shall be computed by excluding the day of the act, event, or default from which the designated period of time begins to run and including the last day of the period unless the last day is Sunday or a holiday, in which case it shall also be excluded.

~~Ø. "Exempt employee" means an employee who is exempt from the payment of overtime as determined by the personnel officer based on the Federal Fair Labor Standards Act.~~

O. "Exempt Employee" means an employee who is exempt from the payment of overtime as determined by the Human Resources Manager based on the Federal Fair Labor Standards Act.

~~P. "Family" means spouse, eligible same-sex domestic partner, siblings, parents and children. In-laws are covered under the term "family."~~

P. "Family" means a spouse, eligible same-sex domestic partner, siblings, parents, in-laws, and children.

~~Q. "Flex-schedule" means variable work hours requiring employees to work a standard number of core hours within a specified period of time, allowing the city greater flexibility in an employee's starting and ending times.~~

Q. "Flex Schedule" means variable work hours requiring employees to work a standard number of core hours within a specified period.

~~S. "Light duty" is alternative work for employees who are unable to perform some or all of their routine duties due to illness or injury. The work is physically or mentally less demanding than normal job duties. An employee must present a physician's note to be placed on light duty.~~

S. "Light Duty" is alternative work for employees who are unable to perform some or all their routine duties due to illness or injury. The employee must present a physician's note to be placed on light duty. Light duty is not automatically approved and requires review from the Human Resources Manager and Department Director. Light duty is subject to the needs of the city.

~~T. "Merit anniversary date" means the month and day that the employee completes his or her probationary period. The anniversary date will be advanced by the number of calendar days that the employee's total leave without pay exceeds 30 days during any anniversary year of the employee.~~

T. "Merit Anniversary Date" is the day an employee completes his or her probationary period. The anniversary date will be advanced by the number of calendar days that the employee's total leave without pay exceeds 30 days during any anniversary year of the employee.

~~W. "Personnel officer" is the human resources specialist and designated employee representative (DER).~~

W. "Personnel Officer" is the Human Resources Manager; this person is also the designated employee representative (DER).

~~Y. "Promotion" means a change in status of an employee from a position of one class to a position of another class having a higher maximum salary limit.~~

Y. "Promotion" is a change in status of an employee from a position of one level to a position of a different level which has a higher maximum salary limit.

~~Z. "Regular full-time employee" means an employee who has completed the initial probationary period including any extensions together and who is not a seasonal or temporary employee and regularly works 30 or more hours a week.~~

Z. "Regular Full-Time Employee" is an employee who has completed the initial probationary period including any extensions, who is not a seasonal or temporary employee and regularly works 30 or more hours a week.

~~AA. "Regular part-time employee" means an employee who is hired to work on a regular and continuing basis for less time than a full-time employee.~~

AA. "Regular Part-Time Employee" is an employee who has completed the initial probationary period, including any extensions, who is not a seasonal or temporary employee and regularly works less than 30 hours per week.

~~BB. "Seasonal employee" refers to an employee who occupies a position for less than 12 months each year where it is anticipated that the same employee may return to the position when needed.~~

BB. "Seasonal Employee" refers to an employee who occupies a position for no more than 6 months per year and where it is anticipated that the same employee may return to the position when needed. Seasonal employees must have a break in service between working periods but may remain in active status providing he/she does not return to work until the following season.

~~DD. "Temporary employee" means an employee who is needed for a certain period, which may exceed 12 consecutive months.~~

DD. Temporary Employees means an employee who is needed for a certain period , which may not exceed 12 consecutive months.

~~EE. "Transfer" means the movement of an employee from a classification to another having the same maximum salary.~~

EE. "Lateral Transfer" means the movement of an employee from one classification to another having the same maximum salary.

HH. "Workplace Violence" is violence or the threat of violence against workers. It can occur outside of or within the workplace and may range from threats and verbal abuse up to physical assaults and homicide.

II. "Waste/Fraud/Abuse" is defined as:

A. Fraud: Any intentional act or omission designed to deceive others, resulting in the victim (City of Palmer) suffering a loss and/or the perpetrator achieving a gain. Examples include but are not limited to falsifying financial records to conceal the theft of money or city property; theft or misuse of the City of Palmer money, equipment, supplies and/or other materials and/or labor; solicit or accepting a bribe or kickback; falsifying payroll information.

B. Waste: The intentional or unintentional, thoughtless, or careless expenditure, consumption, mismanagement, use, or squandering of city resources. Waste also includes incurring unnecessary costs because of inefficient or

ineffective practices, systems, or controls. Examples include but are not limited to unnecessary spending of city funds to purchase supplies or equipment; failure to reuse or recycle major resources or reduce waste generation.

C. Abuse: Intentional destruction, diversion, manipulation, misapplication, maltreatment, or misuse of city resources. Extravagant or excessive use as to abuse one's position or authority. Abuse can occur in financial or non-financial settings. Examples include, but are not limited to: failure to report damage to city equipment or property; receiving favor for awarding contracts to certain vendors; creating unneeded overtime; misusing the employee's position for personal gain; travel choices that are contrary to existing travel policies or are unnecessarily expensive; using one's position as a city employee to garner personal favors (i.e. having an employee complete work for one's home, vehicles, personal errands, etc.); using a city vehicle for personal use; using city fuel supplies in personal vehicles.

Palmer Municipal Code Section 4.05.010 Application is hereby amended as follows (new language is underlined and deleted language is stricken):

~~B. The chief of police may, with the approval of the city manager, prepare policies for the conduct of peace officers, as defined by the Alaska Police Standards Council, as well as dispatchers and other police department related personnel ("others").~~

B. The chief of police may, with the approval of the City Manager and after review by the city attorney, prepare policies for the conduct of peace officers, as defined by the Alaska Police Standards Council, as well as dispatchers and other police department related personnel ("others"). These policies must be on file with the Human Resources Manager prior to implementation.

~~C. Elected officials and appointive officers are not classified employees. The council may make some or all of the personnel regulations applicable to the city manager and clerk.~~

C. Appointive officers are not classified employees. The council may make some or all the personnel regulations applicable to the City Manager and clerk.

~~D. At will employees are subject to all provisions of this title with the exception of PMC 4.50.005 through 4.50.080.~~

D. At-will employees are subject to all provisions of this title except for PMC 4.50.

~~E. The following sections of this title shall apply to volunteer firefighters: this section, PMC 4.15.080(B) and (C), and Chapters 4.70, 4.90, 4.100, and 4.110 PMC. (Ord. 15-012 § 4, 2015; Ord. 12-001 § 3, 2013; Ord. 08-016 § 4, 2008)~~

Palmer Municipal Code Section 4.05.020 General Purpose is hereby amended as follows (new language is underlined and deleted language is stricken):

~~D. Duty to Report. City employees have a responsibility to promptly report problems in the workplace to city management so that such problems may be investigated and remedied as necessary, without retaliation. (Ord. 12-001 § 3, 2013)~~

D. City employees have a responsibility to promptly report problems in the workplace to city management so that such problems may be investigated and remedied as necessary, without retaliation. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.05.030 Equal Opportunity Employer is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. The city is an equal opportunity employer. The city will not unlawfully discriminate against qualified applicants or employees with respect to compensation, or in a term, condition or privilege of employment, because of the~~

~~person's race, religion, color, national origin, sexual orientation, gender identity, or other basis protected by law, or because of the person's age, physical or mental disability, genetic information, gender, marital status, changes in marital status, pregnancy or parenthood when the reasonable demands of the position do not require distinction on the basis of age, physical or mental disability, gender, marital status, changes in marital status, pregnancy or parenthood.~~

A. The City of Palmer is an Equal Employment Opportunity (EEO) employer. As an EEO employer, the city will conduct its staffing activities, selection, promotion, demotion, transfer, training, and separation in accordance with Federal, State and Local EEO laws and regulations as they affect the city. The City of Palmer will not discriminate against any applicant or employee based on race, color, national origin, sex, sexual orientation, age, religion, pregnancy, veteran status, genetic information, or disability.

~~B. When necessary, the city will reasonably accommodate employees and applicants with disabilities if the person is otherwise qualified to safely perform all of the essential functions of the position. It is the applicant's and employee's responsibility to notify the personnel officer regarding requests for reasonable accommodations. (Ord. 15-014 § 3, 2015; Ord. 12-001 § 3, 2013)~~

B. When accommodations are requested, the city will provide accommodations in accordance with the American's Disability Act (ADA) to allow employees and applicants with qualified disabilities to safely perform the essential functions of the position or completion of an employment application. It is the applicant's and employee's responsibility to notify the Human Resources Manager regarding requests for reasonable accommodation. (Ord. 15-014 § 3, 2015; Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.05.040 Personnel File is hereby amended as follows (new language is underlined and deleted language is stricken):

~~B. Access to Personnel Files:~~

~~1. In accordance with AS 23.10.430, an employee or a former employee may inspect and make copies of his or her own personnel file during normal office hours; provided, the employee or former employee shall pay the reasonable costs of any duplication.~~

~~2. A personnel file may be inspected by the employee's department director in the presence of the personnel officer.~~

~~3. Review of any personnel files shall be conducted in the presence of the personnel officer or designee. No document shall be removed from a personnel file without prior written approval from the personnel officer and notice to the employee. Any person examining a personnel file shall sign for the personnel record and the signature shall be dated.~~

B. Access to Personnel Files

1. In accordance with AS 23.10.430, an employee or a former employee may inspect and make copies of his or her own personnel file during normal office hours; provided, the employee or former employee shall pay the reasonable costs of any duplication.

2. A personnel file may be inspected by the employee's Department Director in the presence of the Human Resources Manager.

3. Review of any personnel files shall be conducted in the presence of the Human Resources Manager or designee. No document shall be removed from a personnel file without prior written approval from the Human Resources Manager and notice to the employee. Any person examining a personnel file shall sign for the personnel record and the signature shall be dated.

4. To the extent required by law, medical information regarding an employee's medical condition must be kept in a separate medical file and treated as a confidential medical record.

Palmer Municipal Code Section 4.05.050 Conflicts of Interest is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. It shall be the responsibility of each city employee to remain free from indebtedness or favors which tend to create a conflict of interests between personal and official interest, or might reasonably be interpreted as affecting the impartiality of the individual employee.~~

A. It shall be the responsibility of each city employee to remain free from indebtedness or favors which tend to create a conflict of interests between personal and official interest or might reasonably be interpreted as affecting the impartiality of the individual employee.

Palmer Municipal Code Section 4.10.005 Job Descriptions is hereby amended as follows (new language is underlined and deleted language is stricken):

~~Job descriptions shall be established and maintained by the human resources specialist for each of the job classifications.~~

~~A. Once every 12 months, department directors will review all job descriptions for their departments to assure descriptions are accurate.~~

~~B. A job description may be revised or a new description may be prepared by a department director at any time in order to document the establishment of a new job classification or changes in the nature and scope of job responsibilities of an existing job classification that are considered significant.~~

~~C. New or revised job descriptions shall be reviewed and approved by the city manager or designee.~~

~~D. Once approved, the new or revised job title must be on the current year pay plan and presented to city council if the new or revised job description has a title or level change. (Ord. 12-001 § 3, 2013)~~

Job descriptions shall be established and maintained by the Human Resources Manager for each of the job classifications.

A. Annually, as determined by the City Manager, Department Directors will review all job descriptions for their departments to ensure the descriptions are accurate.

B. A job description may be revised, or a new description may be prepared by a Department Director during the annual review to document the establishment of a new job classification or changes in the nature and scope of job responsibilities of an existing job classification that are considered significant. Job descriptions that have been updated shall be reviewed with employee(s) currently occupying that position. Employees must sign their job descriptions annually.

C. New or revised job descriptions shall be reviewed and approved by the City Manager or designee.

D. Job descriptions All active job descriptions must be on the current year pay plan and presented to city council if the job description has a title or level change. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.10.010 Classification Plan for City Service is hereby amended as follows (new language is underlined and deleted language is stricken):

~~B. The city manager shall establish and maintain the classification plan which shall group together under the same title those positions that are sufficiently similar in knowledge, skills, and abilities of work to warrant application of the same pay rate or levels of rates and same general selection standards. Such groupings shall be based upon the current essential functions and responsibilities of positions in the municipal service.~~

~~C. The classification plan shall be amended or modified from time to time by the city manager.~~

~~D. The city manager shall have the duty of assigning positions to the appropriate classes when changes in duties and responsibilities justify such action. Departmental requests for reclassification shall be submitted to the city manager for review at such times and in the required form. Changes shall become effective upon approval of the city manager. Initial request shall be made by the employee through the appropriate departmental chain of command up to the city manager. (Ord. 12-001 § 3, 2013)~~

A. The classes of positions, job titles and job descriptions shall constitute the classification plan. All positions shall be placed on the classification plan.

B. The City Manager shall establish and maintain the classification plan which shall group together under the same title those positions that are sufficiently similar in knowledge, skills, and abilities of work to warrant application of the same pay rate or levels of rates and same general selection standards. Such groupings shall be based upon the current essential functions and responsibilities of positions in the municipal service.

C. Amendments or modifications to the classification plan, or exceptions to position levels based on the point leveling guide, shall be approved by the City Manager with concurrence required from the Finance Director and Human Resources Manager. Amendments, modifications or exceptions shall become effective upon approval of City Council.

D. Departmental requests for reclassification shall be submitted by the director to the City Manager for review at such times and in the required form. Jobs will be evaluated by the Human Resources Manager to determine the proper level on the classification plan; this information will be presented to the City Manager along with the Human Resources Manager's recommendations. Changes shall become effective upon approval of the city council. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.10.020 Pay Plan is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. The pay plan table with biweekly and hourly rates for all positions shall be established by resolution of the council. The salary rates are based on full-time employment. New or revised job descriptions that have a title or level change must be added or changed on the pay plan.~~

A. The pay plan table with biweekly and hourly rates for all positions shall be established by resolution of the council. The salary rates are based on full-time employment.

Upon approval from the City Manager, a new or revised job description that has a title or level change must be added or changed to the pay plan. The change must be approved by the City Council prior to becoming effective.

Palmer Municipal Code Section 4.10.030 Compensation is hereby amended as follows (new language is underlined and deleted language is stricken):

~~B. The policy of the city is to provide compensation after considering that paid by other employers within the region for work comparable in duties and responsibilities to those of city employees. The city manager shall periodically review the pay plan with pay scales of other employers and recommend pay plan amendments to the council.~~

B. The policy of the city is to provide compensation after considering the duties and responsibilities of the position and considering local market wages for similarly situated positions. The City Manager or Human

Resources Manager shall periodically review the pay plan with pay scales of other employers and recommend pay plan amendments to the City Manager who will submit recommended amendments to city council for their review.

Palmer Municipal Code Section 4.10.040 Pay Ranges and Merit Increases is hereby amended as follows (new language is underlined and deleted language is stricken):

~~The pay ranges provided for the several classes shall be applied as follows:~~

The pay ranges shall be applied as follows:

~~A. The minimum rate for each range shall be the normal entering rate. However, the city manager may authorize initial appointment above the minimum rate:~~

~~2. In the case of a candidate who possesses exceptional skills or superior training or whose experience or special achievements are such that his or her addition to the city staff at a higher rate is deemed warranted.~~

A. The minimum rate for each range shall be the normal entering rate. However, the Department Director, with concurrence of the City Manager, may authorize initial appointment above the minimum rate:

2. In the case of a candidate who possesses exceptional skills, superior training, or whose experience or special achievements are such that his or her addition to the city staff at a higher rate is deemed warranted.

B. Regular Full-Time Employees.

~~2. If the probationary period has not been completed satisfactorily, the department director, with the approval of the city manager, may extend the probationary period as indicated in PMC 4.15.050, or the employee shall be terminated. The employee, if retained, following satisfactory probation, may be advanced not more than two step increments in the salary level in which the employee was hired and then shall be eligible for the next advancement within the salary range on the employee's merit anniversary date.~~

2. If the probationary period has not been completed satisfactorily, the Department Director, with the concurrence of the Human Resources Manager and approval of the City Manager, may extend the probationary period as indicated in PMC 4.15.050, or the employee shall be terminated. The employee, if retained, following satisfactory probation, may be advanced not more than one step i in the salary level in which the employee was hired and then shall be eligible for the next advancement within the salary range on the employee's merit anniversary date.

C. Regular Part-Time Employees.

~~1. Upon satisfactory completion of the probationary period (as established in PMC 4.15.050) after initial appointment, the salary of the employee is limited to two steps in accordance with the current city of Palmer pay plan.~~

~~2. If the probationary period has not been completed satisfactorily, the department director, with the approval of the city manager, may extend the probationary period as indicated in PMC 4.15.050, or the employee shall be terminated. The employee, if retained, following satisfactory probation, may not be advanced more than two steps in the salary level in which the employee was hired and then shall be eligible for the next advancement after an additional 2,080 hours worked.~~

1. Upon satisfactory completion of the probationary period after the initial appointment, the salary of the employee is limited to a one step increase in accordance with the current city of Palmer pay plan.
2. If the probationary period has not been completed satisfactorily, the Department Director, with the concurrence of the Human Resources Manager and approval of the City Manager, may extend the probationary period as indicated in PMC 4.15.050, or the employee shall be terminated. The employee, if retained, following satisfactory probation, may not be advanced more than one step in the salary level at which the employee was hired and then shall be eligible for the next advancement after an additional 1,040 hours worked.

D. Employee Performance

~~The performance of each employee (including temporary and continuous part-time employees) shall be reviewed as outlined in PMC 4.10.050.~~

The performance of each employee shall be reviewed as outlined in PMC 4.10.050.

~~1. A department director shall submit to the personnel officer a performance appraisal to determine eligibility for an increase in salary to the next higher step within the established level.~~

1. A Department Director shall submit to the Human Resources Manager a performance appraisal to determine eligibility for an increase in salary to the next higher step within the established level.

~~2. A step increase shall not be automatic merely upon completion of a specific period of service.~~

2. A step increase shall not be automatic merely upon completion of a specific period of service but rather should be contingent upon performance based on job knowledge, skills, abilities, and qualifications as well as metrics outlined in the evaluation form.

~~4. The employee may not be advanced more than two steps.~~

4. The employee may not be advanced more than one step.

Palmer Municipal Code Section 4.10.050 Employee Performance Appraisal (EPA) is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. The city manager shall, in cooperation with the personnel officer, department directors, and others, develop and adopt a system of evaluating the performance of employees in the classified service.~~

A. The City Manager shall, in cooperation with the Human Resources Manager, develop and adopt a system of evaluating the performance of employees in the classified service.

C. Preparation

~~1. Each department director, with the assistance of the personnel officer, shall develop and use performance standards suited to the requirements of his or her department.~~

~~2. Standards of performance established as a basis for personnel appraisal shall have reference to the quality and quantity of work, the manner in which service is rendered, and such characteristics as will measure the value of the employee to the classified service.~~

~~3. Employees should be informed of such standards.~~

1. Each Department Director, with the assistance of the Human Resources Manager, shall develop and use performance standards suited to the requirements of his or her department.

2. Standards of performance established as a basis for personnel appraisal shall have reference to the quality and quantity of work, the way service is rendered, and such characteristics as will measure the value of the employee to the classified service.

3. Employees should be informed of such standards via their job descriptions and feedback provided by his/her supervisor and/or Department Director.

D. Nature, Form and Frequency of Reports

~~1. The personnel officer shall prescribe the nature, form and frequency of reports, and will confer with the department director concerning the EPA prior to distribution to the employee.~~

~~2. Department directors who desire assistance in preparation of the EPA should consult with the personnel officer prior to their review of the employee.~~

~~3. Employee performance appraisals will be completed:~~

~~a. Prior to completion of probation, six months for regular full-time employees, or 1,040 hours worked for regular part-time employees, exclusive of overtime, from the date of hire;~~

~~b. For regular full-time employees one month prior to merit anniversary date for regular part-time employees when the employee has completed 2,080 work hours.~~

1. The Human Resources Manager shall prescribe the nature, form, and frequency of reports, and will confer with the Department Director concerning the EPA prior to distribution to the employee.

2. Department Directors who desire assistance in the preparation of the EPA should consult with the Human Resources Manager prior to their review of the employee.

3. Employee performance appraisals will be completed:

a. Prior to completion of probation, six months, or 1,040 hours of work, exclusive of overtime, for regular full-time employees. For regular part-time employees, upon completion of six months and 520 hours worked, exclusive of overtime, from the date of hire.

b. For regular full-time employees one month prior to merit anniversary date. For regular part-time employees when the employee has completed 1,040 work hours.

E. Review of EPA with Employee

~~1. Employee's direct supervisor shall prepare the EPA.~~

1. Employee's direct supervisor shall prepare the EPA. EPA must be reviewed and approved by the Human Resources Manager prior to presenting the evaluation to the employee.

~~F. Distribution of EPA. Upon completion of the review, the personnel officer shall furnish the employee with a copy of the EPA. The original shall be filed in the employee's personnel file.~~

F. Upon completion of the review, if requested, the Human Resources Manager shall furnish the employee with a copy of the EPA. The original shall be filed in the employee's personnel file.

~~G. Appraisals Are Not Grievable. The EPA shall not be the subject of a grievance.~~

G. The EPA shall not be the subject of a grievance.

~~H. Employee's Signature Not Concurrence. The employee's signature on the appraisal does not constitute concurrence with the substance of the appraisal.~~

H. The employee's signature on the appraisal does not constitute concurrence with the substance of the appraisal.

J. After a regular full-time employee has successfully completed six months or 1,040 hours of work for his/her probationary period or a regular part-time employee six months and 520 hours of work for his/her probationary period, exclusive of overtime, the employee may be advanced a maximum of one step in accordance with the adopted City of Palmer pay plan to the next higher pay step in the salary level in which the employee was hired. That date becomes the employee's merit anniversary date.

Palmer Municipal Code Section 4.10.060 Salary Adjustment on Transfer, Promotion and Demotion is hereby amended as follows (new language is underlined and deleted language is stricken):

~~4.10.060 — Salary adjustment on transfer, promotion and demotion~~

4.10.060 Salary Adjustment on Transfer, Promotion, and Demotion

A. Transfer

~~3. After a regular full time employee has successfully completed six months or a regular part time employee 1,040 hours of work, exclusive of overtime, the employee may be advanced a maximum of two steps in accordance with the adopted city of Palmer pay plan to the next higher pay step in the salary level in which the employee was hired. That date becomes the employee's merit anniversary date.~~

B. Promotion

~~2. There shall be a minimum raise equal to a step increase in the employee's previous level.~~

2. There shall be a minimum raise equal to one step increase in the employee's previous level but a maximum raise equal to two step increase in the employee's previous level.

~~3. On satisfactory completion of the probationary period, the employee will be moved to the next merit step and that date becomes the employee's merit anniversary date, except in the case of an employee who is promoted into a level on the longevity scale, in which case the longevity scale increases shall apply.~~

3. On satisfactory completion of the probationary period, the employee will be moved to the next merit step and that date becomes the employee's merit anniversary date.

C. Voluntary Demotion

3. Employees requesting a voluntary downgrade will receive a reduction in salary of one step, from their current pay rate, for each level between their current position and the new position however their new rate of pay will not be lower than the mid-range of the pay scale for the new position.

Palmer Municipal Code Section 4.15.005 General Provisions is hereby amended as follows (new language is underlined and deleted language is stricken):

~~B. Minimum Age. The minimum age for city employment shall be in accordance with the minimum ages prescribed by state law.~~

B. Minimum Age. All classified employees and volunteers, except for the Palmer Fire & Rescue Explorer program, must be at least 18 years of age.

~~C. No person who seeks employment or promotion with respect to any position may directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her tests, appointment, proposed appointment, promotion or proposed promotion.~~

C. No person who seeks employment or promotion with respect to any position may directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or in connection with his or her tests, appointment, proposed appointment, promotion, or proposed promotion.

~~D. A person reemployed shall be appointed to the position in accordance with the pay and benefits scale in effect at the time of the new appointment. The fact that the person was formerly employed in accordance with a higher scale shall not be considered in making the new appointment.~~

D. A person reemployed shall be appointed to the position in accordance with the pay and benefits scale in effect at the time of the new appointment. The fact that the person was formerly employed on a higher scale shall not be considered in making the new appointment, however previous work experience may be considered when determining the rate of pay.

E. Nepotism

~~1. No person may be employed in a position by the city who is a spouse, domestic partner, or close relative of the city manager.~~

1. No person may be employed in a position by the city who is a spouse, domestic partner, or close relative of the City Manager or Human Resources Manager.

Palmer Municipal Code Section 4.15.010 Recruitment is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. Each department director shall notify in writing both the city manager and the personnel officer as soon as practicable of the need to fill a vacant or a new position. The personnel officer shall coordinate with the department director and city manager to prepare the job announcement.~~

A. Each Department Director shall notify in writing both the City Manager and the Human Resources Manager as soon as practicable of the need to fill a vacancy or a new position. The Human Resources Manager shall be responsible for posting all recruitment announcements.

~~B. The personnel officer shall utilize appropriate recruiting measures to obtain qualified applicants. The personnel officer will provide the following information in the job announcement: the title and salary range of the class or position, the minimum qualifications required, the final date and time when applications will be accepted, whether examinations or testing will be required, and other pertinent information and requirements. If certain categories of individuals will receive preference in filling vacant positions, those categories should be listed.~~

B. The Human Resources Manager shall utilize appropriate recruiting measures to obtain qualified applicants. The Human Resources Manager will provide the following information in the job announcement: the title and salary range of the class or position, the minimum qualifications required, the final date and time when applications will be accepted, and other pertinent information and requirements. If certain categories of individuals will receive preference in filling vacant positions, those categories should be listed.

~~C. Job announcements will be published for no less than 10 working days, unless a shorter period is approved by the city manager. The city manager may authorize a job announcement for five working days when necessary.~~

C. Job announcements will be published for no less than 10 working days unless a shorter period is approved by the City Manager. The City Manager may authorize a job announcement for five working days when necessary.

~~D. Subject to subsection (E) of this section, a copy of the job description will be furnished with the announcement and both are to be distributed to all city departments and the Mat-Su office of the Alaska State Employment Service.~~

D. All classified positions within the city will be posted, either internally, externally, or both. Non-competitive placement for classified positions, including Department Directors, is not authorized.

~~E. A department director may restrict recruitment for a vacancy to current employees of the department, provided all of the following are met:~~

E. A department director may restrict recruitment for a vacancy to current employees of the department, provided all the following are met:

~~1. The department director has submitted a written request to the city manager and the personnel officer requesting in department only recruitment;~~

1. The department director has submitted a written request to the City Manager and the Human Resources Manager requesting in-department-only recruitment.

~~3. The city manager and personnel officer both approve the request in writing.~~3. The City Manager and Human Resources Manager both approve of the request in writing.

Palmer Municipal Code Section 4.15.020 Selection is hereby amended as follows (new language is underlined and deleted language is stricken):

4.15.020 Selection

A. Filing Applications

~~1. To be considered for a position, each applicant (including current city employees) must submit a city of Palmer application to the city of Palmer, Human Resource Department, 231 W. Evergreen Avenue, Palmer, Alaska 99645.~~

1. To be considered for a position, each applicant (including current city employees) must apply via the city's recruitment system.

~~3. Applications received after the closing deadline shall not be accepted for the particular position in the announcement.~~

3. Applications received after the closing deadline shall not be accepted.

B. Minimum Qualification/Disqualification

~~1. The personnel officer or designee shall screen applicants by reviewing the job applications.~~

1. The Human Resources Manager or designee shall review applications received to ensure proper minimum qualifications criteria were met. Department Directors may choose to defer minimum qualifications if the applications received do not meet those criteria.

~~C. Examinations. An applicant will be eligible to take examinations if he or she meets the minimum qualifications established by the department director. These qualifications may include education, experience, and other factors as related to the ability of the applicant to perform with reasonable efficiency the essential functions of the position with or without an accommodation.~~

C. Examinations. An applicant will be eligible to take examinations if he or she meets the minimum qualifications established by the Department Director. These qualifications may include education, experience, and other factors related to the ability of the applicant to perform with reasonable efficiency the essential functions of the position with or without accommodation.

D. Examination Contents and Procedure

~~1. All examinations required shall be practical and shall relate to the duties and responsibilities of the position for which the applicant is being examined and shall measure the relative capacity and fitness of the person examined to perform the essential functions of the class of positions to which they seek to be appointed (or promoted). The examination or other tests found reasonable by the personnel officer used to determine the fitness and relative ability of the applicant may consist of one or more of the following:~~

- ~~a. Written tests;~~
- ~~b. Performance tests;~~
- ~~c. Physical tests of strength, stamina or dexterity;~~
- ~~d. Evaluation of education, training and experience as shown on the application;~~
- ~~e. Interviews designed to determine general fitness for the position;~~
- ~~f. Pre-employment health examinations;~~
- ~~g. Drug test; and~~
- ~~h. Interviews.~~

1. All examinations required shall be practical and shall relate to the duties and responsibilities of the position for which the applicant is being examined and shall measure the relative capacity and fitness of the person examined to perform the essential functions of the class of positions to which they seek to be appointed (or promoted). The examination or other tests found reasonable by the Human Resources Manager used to determine the fitness and relative ability of the applicant may consist of one or more of the following:

- a. Written tests
- b. Performance test.
- c. Physical tests demonstrating the applicant's ability to perform the essential functions and duties of the position.
- d. Evaluation of education, training and experience as shown on the application
- e. Interviews which are designed to determine general fitness for the position.
- f. Pre-employment health examinations as needed to demonstrate the applicant's ability to perform the essential functions and duties of the position.
- g. Drug tests
- h. Interviews

~~In addition, for police officers, additional testing requirements may be required, including, but not limited to: polygraph examination, psychological examination, fingerprinting, extensive background investigation and criminal background review.~~

For police officers and firefighters, additional testing requirements may be required, including, but not limited to polygraph examination, psychological examination, fingerprinting, extensive background investigation and criminal background reviews.

~~In addition, for all other police department employees, additional testing requirements may be required, including, but not limited to: fingerprinting, extensive background investigation and criminal background review.~~

For all other police department employees or those employees requiring access to the building, additional testing requirements may be required, including, but not limited to fingerprinting, extensive background investigation and criminal background reviews.

~~2. Five working days before applications for the position close, the department director will submit for the personnel officer's approval any examinations to be used to rank the applicants.~~

2. Prior to the closing of a position for recruitment, the Department Director or authorized designee, will submit for the Human Resources Manager's approval any examinations to be used to rank the applicants.

~~3. The department director may require information as to education, training and experience of applicants and such other information as the department director may reasonably deem pertinent. If the department director determines a need to contact any applicant for further information, the personnel officer shall contact the applicant and all applicants similarly situated shall be extended this same opportunity. The personnel officer may require any applicant for examination to submit documented proof of the possession of any license, certificate, degree or other qualification claimed or required and may refuse credit for such qualifications in the absence of proof.~~

3. The Department Director or designee may require information as to the education, training and experience of applicants and such other information as the Department Director may reasonably deem pertinent. If the Department Director determines a need to contact any applicant for further information, the Human Resources Manager shall contact the applicant and all applicants similarly situated shall be extended this same opportunity. The Human Resources Manager may require any applicant for examination to submit documented proof of the possession of any license, certificate, degree, or other qualification claimed or required and may refuse credit for such qualifications in the absence of proof.

~~E. Conduct of Examinations. Examinations shall be conducted at a testing site approved by the personnel officer or under the supervision of the department director. All examiners and monitors used in the conducting of examinations shall be provided with such instructions as may be required for fair and impartial administration.~~

E. Conduct of Examinations. Examinations shall be conducted at a testing site approved by the Human Resources Manager or under the supervision of the Department Director. All examiners and monitors used in the conducting of examinations shall be provided with such instructions as may be required for fair and impartial administration. Examination results shall be retained in accordance with the city's records retention schedule.

~~F. Interviews. When an interview panel forms a part or all of the examination for a position, the city manager or designee shall appoint an interview board. This board shall consist of at least three members:~~

- ~~1. The director or designee of the department having the vacancy;~~
- ~~2. City of Palmer employee with the same job classification or higher as the position being filled; and~~
- ~~3. The personnel officer or designee. As a general rule, all applicants selected for interview shall be interviewed and rated by the same panel. Alternate members may be used only when determined necessary by the personnel officer.~~

F. Interviews. When an interview panel forms a part or all of the examination for a position, the Department Director or designee shall appoint an interview board. This board shall consist of at least three members:

1. The director or designee of the department having the vacancy.
2. City of Palmer employee with the same job classification or higher as the position being filled; and
3. The Human Resources Manager or designee.
4. As a general rule, all applicants selected for an interview shall be interviewed and rated by the same panel. Alternate members may be used only when determined necessary by the personnel officer.

G. Method of Ranking

~~2. Five working days before applications for the position close, the department director shall submit for the personnel officer's approval the interview questions and the method of ranking to be used for hiring list eligibility.~~

2. Prior to the closing of a position for recruitment, the Department Director shall submit for the Human Resources Manager's approval the interview questions and the method of ranking to be used for hiring list eligibility.

H. Offering Positions

~~1. Pre-Offer Procedure:~~

~~a. Qualified Candidates. The department director shall provide the names of the most qualified applicant(s) to the personnel officer.~~

~~b. Additional Information. If additional information is needed to document qualifications, a memo to the personnel officer shall be included.~~

~~c. References. Prior to selection of a candidate, the personnel officer shall check the references for the top candidates.~~

- a. Qualified Candidates. Upon conclusion of interviews, the Human Resources Manager shall provide the Department Director or designee with the ranking of those candidates interviewed.
- b. Additional Information. If additional information is needed to document qualifications, the Department Director will send a memo to the Human Resources Manager who will contact the applicant for the information as appropriate.
- c. References. Prior to selection of a candidate, the Human Resources Manager shall check the references for the top candidate(s).

2. Conditional Offers

~~a. Notification of Conditions.~~ Before making final selection of the most qualified applicant, the department director shall notify the personnel officer of any conditions of employment in writing.

a. Notification of Conditions. Before making the final selection of the most qualified applicant, the Department Director shall notify the Human Resources Manager of any conditions of employment in writing.

~~b. Examples.~~ Examples of conditions include without limitation the successful completion of a background investigation or post-offer medical examination, receipt of negative results of a post-offer drug test, or Alaska licensing.

b. Examples. Examples of conditions may include the successful completion of a background investigation or post-offer medical examination, receipt of negative results of a post-offer drug test, or Alaska licensing.

~~c. Conditional Job Offer.~~ The personnel officer will make conditional job offers for all non-department of public safety employees.

c. Conditional Job Offer. The Human Resources Manager will make conditional job offers for all non-police and fire department employees.

~~d. Conditional Job Offer – Palmer Police Department.~~

~~i. The chief of police shall make conditional job offers for Palmer police department employees.~~

~~ii. The conditions shall be based on the examples listed in this section.~~

~~iii. The chief of police shall forward all conditions of employment to the personnel officer.~~

d. Conditional Job Offer – Palmer Police Department and Palmer Fire & Rescue

i. The chief of police or Fire Chief shall make conditional job offers for their respective departments.

ii. The conditions shall be based on the examples listed in this section.

iii. The chief shall forward all conditions of employment to the Human Resources Manager.

4. Employment

~~a. All applicants must successfully pass the pre-employment drug screening prior to starting employment with the city.~~

~~b. All applicants must submit a copy of their driving record and a background report from the State Troopers during orientation with the personnel officer or designee.~~

~~c. The cost of the driving record and background report will be reimbursed during normal account payables procedures.~~

a. All applicants to include non-classified fire department personnel, must successfully pass the pre-employment drug screening prior to start working with the city.

b. If driving for their position is a requirement of the job, applicants must submit a copy of their driving record.

c. A completed background check is required no later than their first day of employment.

d. The cost of the driving record will be reimbursed during normal account payables procedures.

I. Eligibility List

~~1. The department director may include in the position announcement that not only a position opening exists but that an eligibility list may be made of top qualified applicants based on the examination. In such case, the department director may establish an eligibility list and provide a copy to the personnel officer.~~

1. The Department Director may include in the position announcement that an eligibility list may be made of top qualified applicants based on the examination. In such a case, the Department Director may establish an eligibility list and provide a copy to the Human Resources Manager.

~~2. Within 30 days of the establishment of the eligibility list, the personnel officer shall notify all qualified applicants in writing whether their names have or have not been included on the eligibility list.~~

2. Within 30 days of the establishment of the eligibility list, the Human Resources Manager shall notify all qualified applicants in writing whether their names have or have not been included on the eligibility list.

~~3. If a position for which an eligibility list exists becomes open for hiring, the personnel officer at the request of the department director and approval of the city manager may choose to hire from the eligibility list.~~

3. If a position for which an eligibility list exists becomes open for hiring, the Human Resources Manager at the request of the Department Director and approval of the City Manager may choose to hire from the eligibility list.

4. Filling Vacancy from Eligibility List

~~a. To fill a vacancy by selection of a candidate from an eligibility list, the department director shall submit the eligibility list to the personnel officer and city manager.~~

a. To fill a vacancy by selection of a candidate from an eligibility list, the Department Director shall submit the eligibility list to the Human Resources Manager and City Manager.

~~d. The request shall be subject to approval of both the personnel officer and city manager.~~

d. The request shall be subject to the approval of both the Human Resources Manager and City Manager.

~~6. The department director, after notifying the personnel officer in writing and receiving written approval from the personnel officer, may remove the name of an eligible candidate from the list for the following reasons:~~

6. The Department Director, after notifying the Human Resources Manager in writing and receiving written approval from the Human Resources Manager, may remove the name of an eligible candidate from the list for the following reasons:

J. Recruitment and Selection Records

~~1. Within five days of the offer being accepted by the employee or the establishment of the eligibility list, the department director shall organize in an orderly manner and deliver to the personnel officer all records and documents pertinent to the recruitment and selection.~~

1. Within five days of the offer being accepted by the employee or the establishment of the eligibility list, the Department Director shall organize in an orderly manner and deliver to the Human Resources Manager all records and documents pertinent to the recruitment and selection.

Palmer Municipal Code Section 4.15.040 Promoted Employee is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A promoted employee shall begin their probationary period subject to PMC 4.15.050. The probationary employee retains eligibility to take leave subject to Chapter 4.30 PMC. (Ord. 12-001 § 3, 2013)~~

A promoted employee shall begin their probationary period subject to PMC 4.15.050.

Palmer Municipal Code Section 4.15.050 Probationary Period is hereby amended as follows (new language is underlined and deleted language is stricken):

~~B. At any time during the probationary period, the department director or city manager may summarily discharge the probationary employee from the position, with or without cause and without right of hearing or appeal; provided, however, such discharge will be made in conjunction with prior attorney consultation.~~

B. At any time during the probationary period, the Department Director or City Manager may summarily discharge the probationary employee from the position, with or without cause and without right of hearing or appeal; provided, however, prior to such discharge will be made in conjunction with the Human Resources Manager and city attorney consultation.

~~1. Full-time employees shall serve a probationary period of six months or 1,040 hours worked, exclusive of overtime.~~

~~a. When an employee in a probationary status is transferred to another level, the probationary period for the new level shall start on the date of the transfer.~~

~~b. After an employee has successfully completed six months and 1,040 hours of work, exclusive of overtime, in the new level the employee may be advanced a maximum of two steps to the next higher pay step in the salary range of the class. That date becomes the employee's merit anniversary date.~~

~~c. The probationary period may be extended at the discretion of the department director and approval of the personnel officer.~~

a. When an employee in a probationary status is transferred to another level, the probationary period for the new level shall start on the date of the transfer.

b. After a full-time employee successfully completes six months or 1,040 hours of work, exclusive of overtime, the employee may be advanced a maximum of one step to the next higher pay step in the salary range of the class. That date becomes the employee's merit anniversary date.

c. The probationary period may be extended at the discretion of the Department Director, concurrence of the Human Resources Manager and approval of the City Manager.

~~2. Part-time employees shall serve a probationary period of six months and 520 hours worked, exclusive of overtime.~~

~~a. After an employee has successfully completed six months and 520 hours of work, exclusive of overtime, the employee may be advanced a maximum of two steps to the next higher pay step in the salary range of class. That date becomes the employee's merit anniversary date.~~

~~b. The probationary period may be extended at the discretion of the department director and approval of the personnel officer.~~

2. Regular Part-time employees shall serve a probationary period of six months and 520 hours worked, exclusive of overtime.

a. After an employee has successfully completed six months and 520 hours of work, exclusive of overtime, the employee may be advanced a maximum of one step to the next higher pay step in the salary range of class. That date becomes the employee's merit anniversary date.

b. The probationary period may be extended at the discretion of the Department Director, concurrence of the Human Resources Manager and approval of the City Manager.

~~F. During the probationary period, a probationary employee accrues leave time, and shall be eligible for holiday benefits.~~

~~1. Repealed by Ord. 20-009.~~

~~2. The leave accrual will not be paid for an employee who leaves employment with the city of Palmer for any reason prior to successfully completing the probationary period including any extensions. (Ord. 20-009 § 3, 2020; Ord. 16-012 § 3, 2016; Ord. 12-001 § 3, 2013)~~

F. During the probationary period, a probationary employee accrues leave time, and shall be eligible for holiday benefits.

1. Repealed by Ord. 20-009.

2. Providing an employee completes his/her required probationary period (including any extensions) and has no disciplinary actions or Performance Improvement Plans issued, he/she will receive payment for all accrued leave upon his/her separation. (Ord. 20-009 § 3, 2020; Ord. 16-012 § 3, 2016; Ord. 12-001 § 3, 2013).

Palmer Municipal Code Section 4.15.070 Driving License Required is hereby amended as follows (new language is underlined and deleted language is stricken):

~~4.15.070 — Driver's license required.~~

4.15.070 Driver License Requirements

~~All employees whose job description requires a valid Alaska driver's license of a specific class or with or without endorsements, including a commercial driver's license (CDL), shall obtain and maintain such driver's license.~~

A. All employees whose job description requires a valid Alaska driver's license of a specific class or with or without endorsements, including a commercial driver's license (CDL), shall obtain and maintain such driver's license.

B. Employees who drive on behalf of the city must meet the following driving guidelines (regardless of what vehicle is driven):

Category	Type of Conviction(s)	Number of Convictions	0 to 3 Years	4 to 5 Years	6 to 10 Years	11 Years & Beyond
I	DUI/DWI or Refusal to submit to a Chemical Test	1	Not Acceptable	Acceptable	Acceptable	Acceptable
	DUI/DWI, Reckless, or Refusal to Submit to a Chemical Test	2+	Not Acceptable	Not Acceptable	Not Acceptable	Not Acceptable
II	Driving with a suspended, revoked, or cancelled license	1	Not Acceptable	Acceptable	Acceptable	Acceptable
III	Combination of Category I and II	2	Not Acceptable	Not Acceptable	Not Acceptable	Acceptable
	Combination of Category I and II	3 or more	Not	Not	Not	Not

			Acceptable	Acceptable	Acceptable	Acceptable
IV	Other moving violations	3 or more	Not Acceptable	Acceptable	Acceptable	Acceptable

C. City vehicles may be driven only for city business. Except for fire department responders, public works crew members, airport superintendent, and police officers, employees are not authorized to utilize city vehicles for personal use. Fire department responders, airport superintendent, public works crew members and police officers driving vehicles both on and off duty, are required to limit personal use of city vehicles and may not drive the city vehicle further than 25 miles from city limits unless for work purposes. The Chief of Police may, on a case-by-case basis, approve personal use outside 25 miles based on operational needs. Department Directors may, on a case-by-case basis, allow personal use of city vehicles on a temporary basis (i.e. two weeks or less).

D. Employees who drive on behalf of the city, regardless of if the requirement to drive listed in the employee's job description, must annually submit to review of his/her driving record. Department Directors are responsible for updating their department's eligible drivers list with Human Resources as changes occur.

E. Employees driving city vehicles are required to immediately advise his or her Department Director as well as the Human Resources Manager if the vehicle is involved in an accident, regardless of the amount of damage.

~~A. An employee, who is required to have a CDL whose operating privilege is suspended, revoked or canceled for any period, shall not operate any city vehicle for which such license or endorsement is required during the period of suspension, revocation, cancellation, loss or disqualification.~~

F. An employee who is required to have a CDL or drive as a function of his/her position, whose operating privilege is suspended, revoked, or canceled for any period, shall not operate any city vehicle for which such license or endorsement is required during the period of suspension, revocation, cancellation, loss, or disqualification.

~~B. An employee whose operating privilege is suspended, revoked or canceled, who loses the privilege to operate a motor vehicle in any state for any period, shall notify his or her department director or the city manager of that fact before the end of the business day following the day the employee receives notice of the suspension, revocation, cancellation, loss or disqualification. An employee whose operating privilege is suspended, revoked, or canceled from operating a motor vehicle may not operate a city vehicle or his or her own personal vehicle for city business.~~

G. An employee whose operating privilege is suspended, revoked, or canceled, who loses the privilege to operate a motor vehicle in any state for any period, shall notify his or her Department Director or the City Manager of that fact before the end of the business day following the day the employee receives notice of the suspension, revocation, cancellation, loss, or disqualification. An employee whose operating privilege is suspended, revoked, or canceled from operating a motor vehicle may not operate a city vehicle or his or her own personal vehicle for city business.

~~C. Violation of subsection (A) or (B) of this section constitutes cause for termination.~~

H. Violation of subsection (F) or (G) of this section constitutes cause for termination.

~~D. The suspension, revocation, cancellation, loss or disqualification of the operating privilege constitutes cause for involuntary demotion to a lower job classification for which the employee is qualified without the privilege. If there is no opening available in a lower job classification for which the employee is qualified without the operating privilege, the employee may be terminated.~~

I. The suspension, revocation, cancellation, loss, or disqualification of the operating privilege constitutes cause for involuntary demotion to a lower job classification for which the employee is qualified without the operating privilege. If there is no opening available in a lower job classification for which the employee is qualified without the operating privilege, the employee may be terminated.

~~E. In addition to the above, the employee may be terminated at the discretion of the city manager or may be required to:~~

~~1. Obtain a new, valid driver's license of such class or with such endorsements, including a commercial driver's license, that meets the requirements of his or her job description within 60 calendar days of the effective date of the suspension, revocation, cancellation, loss or disqualification;~~

~~2. Obtain a reinstatement of the prior operating privileges within 60 calendar days of the suspension, revocation, cancellation, loss or disqualification; or~~

~~3. Obtain limited license privileges and a new valid driver's license or have the prior operating privileges reinstated such that the employee does not lack the driver's license authority meeting the requirements for his or her job description for more than 60 calendar days, consecutive or nonconsecutive.~~

J. In addition to the above, the employee may be terminated at the discretion of the City Manager or may be required to:

1. Obtain a new, valid driver's license of such class or with such endorsements, including a commercial driver's license, that meets the requirements of his or her job description within 60 calendar days of the effective date of the suspension, revocation, cancellation, loss or disqualification.

2. Obtain a reinstatement of the prior operating privileges within 60 calendar days of the suspension, revocation, cancellation, loss, or disqualification; or

3. Obtain limited license privileges and a new valid driver's license or have the prior operating privileges reinstated such that the employee does not lack the driver's license authority meeting the requirements for his or her job description for more than 60 calendar days, consecutive or nonconsecutive.

~~F. If an employee is subject to adverse action resulting from any change in license status or driving privileges, the provisions of PMC 4.50.040 and 4.50.050 must be followed. (Ord. 12-001 § 3, 2013)~~

K. If an employee is subject to adverse action resulting from any change in license status or driving privileges, the provisions of PMC 4.50.050 must be followed. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.15.080 Physical Examination is hereby amended as follows (new language is underlined and deleted language is stricken):

~~B. If the city manager or department director has reason to believe that a current employee has a physical or mental condition which substantially interferes with the employee's ability to perform the essential functions of his/her position in a safe and proficient manner, the personnel officer or department director, with the prior written approval of the personnel officer, may in writing require the employee to submit to a fitness for duty examination. If the city selects the medical or mental health professional, the city shall pay for the fitness for duty examination. If the employee elects to obtain a second opinion it will be at the employee's expense.~~

B. If the City Manager or Department Director has reason to believe that a current employee has a physical or mental condition which substantially interferes with the employee's ability to perform the essential functions of his/her position in a safe and proficient manner, the Department Director, with the prior written approval of the Human Resources Manager, may in writing require the employee to submit to a fitness for duty examination. If the city selects a health professional, the city shall pay for the fitness for duty examination. If the employee elects to obtain a second opinion it will be at the employee's expense.

~~C. If an employee suffers an injury or illness which prevents the employee from fully performing his or her essential functions of his/her job, the employee's department director may offer the employee light duty where such is approved by a medical or mental health professional and where the medical or mental health professional has released the employee for such light duty. The personnel officer shall be notified of the light duty status.~~

~~3. If light duty is not available, the employee must remain off the job until released by a medical or mental health professional to perform the essential functions of his/her position with or without accommodation.~~

~~4. When the employee is able to perform the essential functions of his/her position and a medical or mental health professional's written release to that effect has been received by the personnel officer, the employee shall be reassigned to the normal position in due course; provided, that:~~

C. If an employee suffers an injury or illness which prevents the employee from fully performing his or her essential functions of his/her job, the employee's Department Director, with concurrence of the Human Resources Manager, may offer the employee light duty if the health professional has released the employee for such light duty.

4. When the employee can perform the essential functions of his/her position and a health professional's written release to that effect has been received by the Human Resources Manager, the employee shall be reassigned to the normal position in due course; provided, that:

a. The medical release is received within 18 weeks of notice of the injury or illness; and

b. The position still exists and is not then filled by a regular employee who is not in a promotional probationary period.

~~D. If an employee is unable to return to work due to injury or illness that prevents them from performing essential job functions due to injury or illness, the employee shall advise his or her department director in writing. The department director may request physician updates on the status of the employee. (Ord. 12-001 § 3, 2013)~~

D. If an employee is unable to return to work due to injury or illness that prevents them from performing essential job functions due to injury or illness, the employee shall advise his or her Department Director in writing. The Human Resources Manager may request physician updates on the status of the employee. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.20.018 Floating Holidays is hereby amended as follows (new language is underlined and deleted language is stricken):

D. Floating holidays may not be cashed in.

Palmer Municipal Code Section 4.20.019 Floating Volunteer Days is hereby amended as follows (new language is underlined and deleted language is stricken):

4.20.019 Floating Volunteer Days

A. Martin Luther King, Jr., Day of Service (MLK Day) is the only federal holiday that is also designated by Congress as a National Day of Service – a “day on, not a day off.”

B. The City of Palmer understands the importance of service to the community and encourages employees to volunteer at local non-profit agencies, churches/synagogues/religious organizations, and community events. Full and part-time employees may, upon approval from and in coordination with their Department Director, provide service to local non-profit agencies, churches/synagogues/religious organizations and community events in lieu of performing regular work. Employees are entitled to two floating volunteer days per year, these days are not subject to cash-in and will be forfeited if not used by December 31st. Employees are encouraged to utilize one of the volunteer days on Martin Luther King Day if possible.

C. Full-time employees will receive pay not to exceed 8 hours per volunteer day. Regular part-time employees will receive pay equivalent to one regularly scheduled shift of work. Volunteer days are paid as straight-time hours; these hours are not subject to overtime pay.

D. Employees must complete the verification of service on a form and submit it to the Human Resource department.

Palmer Municipal Code Section 4.20.020 Overtime, Holiday Pay, Standby, Callout and Flex Schedule is hereby amended as follows (new language is underlined and deleted language is stricken):

~~C. In accordance with the Fair Labor Standards Act (FLSA), overtime pay shall apply when a nonexempt employee actually works more than 40 hours in a work week. Overtime work shall be paid at the rate of time and one-half.~~

C. In accordance with the Fair Labor Standards Act (FLSA), overtime pay shall apply when a nonexempt employee works more than 40 hours in a work week. Overtime work shall be paid at the rate of time and one-half; leave and holiday pay does not count towards overtime.

Palmer Municipal Code Section 4.20.030 Shift Differential for Police Officer and Dispatch Personnel is hereby amended as follows (new language is underlined and deleted language is stricken):

~~B. Differential shall not be paid for the standard work day of 8:00 a.m. to 4:00 p.m.~~

B. Differential shall not be paid for the standard workday of 8:00 a.m. to 4:00 p.m.

Palmer Municipal Code Section 4.30.007 Personal Leave is hereby amended as follows (new language is underlined and deleted language is stricken):

~~4.30.007 Personal leave Employees ineligible.~~

~~The following employees are ineligible to accumulate personal leave:~~

- ~~A. On-call employees;~~
- ~~B. Temporary employees;~~
- ~~C. Seasonal employees;~~
- ~~D. Volunteer firefighters; and~~
- ~~E. Part-time employees working less than 20 hours per week. (Ord. 13-008 § 3, 2013)~~

4.30.007 Personal leave – Ineligible Employees

The following employees are ineligible to accumulate personal leave:

- A. On call employees
- B. Temporary employees
- C. Seasonal employees
- D. Non-classified fire department personnel; and
- E. Part-time employees working less than 20 hours per week. (Ord. 13-008 § 3, 2013)

Palmer Municipal Code Section 4.30.010 Personal Leave – Full-time Employees is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. Personal leave shall be earned only upon completion of each full pay period.~~

A. Personal leave shall be credited at the end of each pay period. Employees who are on approved leave without pay during a pay period will be credited with a prorated amount of leave based on hours in a pay status for the pay period.

~~C. Upon completion of 1,040 continuous full-time hours exclusive of overtime, full-time employees shall be credited with the accrual as provided in this section, retroactive to the date of hire to the current full-time position.~~

C. For the purposes of this section, continuous service means the total amount of hours served in a regular full-time position as defined in PMC 4.05.005(Z). (Ord. 13-008 § 4, 2013; Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.30.020 Personal Leave – Part-time Employees is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. Part-time employees shall accumulate personal leave at an equivalent ratio of hours worked.~~

A. Regular part-time employees shall accumulate personal leave at an equivalent ratio of hours worked.

~~B. Personal leave shall be earned only upon completion of each full pay period.~~

B. Regular part-time employees who work 20-24 hours a week will accrue personal leave at the rate of 50 percent of the full-time employee in accordance with the following schedule:

1. 3.53 hours per pay period for employees with less than two years of continuous regular part-time service.
2. 4.46 hours per pay period for employees with two years and less than five years of continuous regular part-time service.
3. 4.92 hours per pay period for employees with five years and less than 10 years of continuous regular part-time service; and
4. 5.84 hours per pay period for employees with 10 years or more of continuous regular part-time service.

~~C. Part-time employees who work 20 or more hours a week will accrue personal leave at the rate of 50 percent of the full-time employee in accordance with the following schedule:~~

- ~~1. 3.53 hours per pay period for employees with less than two years of continuous part-time service;~~
- ~~2. 4.46 hours per pay period for employees with two years and less than five years of continuous part-time service;~~

~~3. 4.92 hours per pay period for employees with five years and less than 10 years of continuous part-time service; and~~

~~4. 5.84 hours per pay period for employees with 10 years or more of continuous part-time service.~~

C. Regular part-time employees who work 25-29 hours a week will accrue personal leave at the rate of 70 percent of the full-time employee in accordance with the following schedule:

1. 4.95 hours per pay period for employees with less than two years of continuous regular part-time service.

2. 6.24 hours per pay period for employees with two years and less than five years of continuous regular part-time service.

3. 6.89 hours per pay period for employees with five years and less than 10 years of continuous regular part-time service; and

4. 8.18 hours per pay period for employees with 10 years or more of continuous regular part-time service.

~~D. Upon completion of 1,040 continuous part-time hours exclusive of overtime, part-time employees shall be credited with the accrual as provided in this section, retroactive to the date of hire to the current part-time position.~~

D. For the purposes of this section, continuous service means the total amount of hours served in a regular part-time position as defined in PMC 4.05.005(AA). (Ord. 13-008 § 4, 2013; Ord. 12-001 § 3, 2013)

~~E. For the purposes of this section, continuous service means the total amount of hours served in a regular part-time position as defined in PMC 4.05.005(Z). (Ord. 13-008 § 4, 2013; Ord. 12-001 § 3, 2013)~~

Palmer Municipal Code Section 4.30.040 Leave Without Pay Absence During Probationary Status is hereby amended as follows (new language is underlined and deleted language is stricken):

~~In the event there is a leave without pay absence during the probationary status, the merit anniversary date of the employee shall be adjusted forward to account for such leave. (Ord. 12-001 § 3, 2013)~~

In the event there is a leave without pay absence during the probationary status which exceeds 30 days, the merit anniversary date of the employee shall be adjusted forward to account for such leave. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.30.060 Maximum Accrual is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. Unused leave in excess of the maximum accumulation as of December 31st of any calendar year shall be forfeited unless a written request is submitted to the personnel officer no later than December 15th of each year requesting to cash in the excess personal leave.~~

A. Unused leave more than the maximum accumulation as of December 31st of any calendar year shall be forfeited unless a written request is submitted to the Finance Director no later than December 15th of each year requesting to cash in the excess personal leave. Department directors track leave usage and inform employees in advance of such forfeit. Failure of the Department Director to advise employees of potential forfeiture does not negate the loss.

~~B. Payment for accrued leave shall not exceed the monetary equivalent of 500 hours of such leave, plus accumulated leave since January 1st of the year in which termination occurs. While an employee is on probation, the personal leave has no cash value.~~

B. Payment for accrued leave shall not exceed the monetary equivalent of 500 hours of such leave, plus accumulated leave from January 1st of the year in which termination occurs.

Palmer Municipal Code Section 4.30.070 Use of Mandatory Leave is hereby amended as follows (new language is underlined and deleted language is stricken):

- ~~A. Each full-time employee shall take at least 10 days or 80 hours of personal leave each calendar year.~~
- ~~1. It shall be the responsibility of the department director to ensure that each employee is given the opportunity to use this leave, scheduled in accordance with the department work load.~~
 - ~~2. In the event the employee does not take 10 days or 80 hours of leave in the calendar year, the employee will lose the unused balance of the 80 hours of accrued leave.~~

- A. Each full-time employee shall take at least 10 days or 80 hours of personal leave each calendar year.
1. It shall be the responsibility of the Department Director to ensure that each employee is given the opportunity to use this leave, scheduled in accordance with the department workload.
 2. In the event the employee does not take 10 days or 80 hours of leave in the calendar year, the employee will lose the unused balance of the 80 hours of accrued leave. Waivers for mandatory leave usage are prohibited.

~~C. The department director may require that the employees apply for personal leave a reasonable length of time in advance of taking planned leave. The request for personal leave shall be approved or disapproved within 10 working days from date received. (Ord. 14-006 § 3, 2014; Ord. 12-001 § 3, 2013)~~

C. The Department Director may require that the employees apply for personal leave a reasonable length of time in advance of taking planned leave. The request for personal leave shall be approved or disapproved within 10 working days from the date received. (Ord. 14-006 § 3, 2014; Ord. 12-001 § 3, 2013)

~~D. The city manager may cancel the leave and/or payout of accrued leave for employees who resign either before, during, or after leave is approved. (Ord. 22-003 § 3, 2022; Ord. 14-006 § 3, 2014; Ord. 12-001 § 3, 2013)~~

D. A full-time employee who has received a promotion and is currently in a probationary period is required to use mandatory leave that corresponds to his/her date that he/she was first placed into a full-time position regardless of probationary status.

Palmer Municipal Code Section 4.30.075 Cancellation of Approved Leave is hereby amended as follows (new language is underlined and deleted language is stricken):

4.30.075 Cancellation of Approved Leave

- D. Employees who are approved for leave, who resign their employment with the City of Palmer either before, during or after such leave has commenced will, at the direction of the City Manager:
1. Have their leave cancelled
 2. Have their termination date changed to the last day the employee worked
 3. Receive a payout for all available accrued leave if otherwise eligible to do so
 4. If the employee is benefit eligible, their benefits will be terminated effective on the last day of the month in which they last worked.
 5. Approved leave under 4.30.160 is not eligible to be cancelled under this section.

Palmer Municipal Code Section 4.30.080 Bereavement Leave is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. Regardless of probation status, full-time employees will receive three days of paid bereavement leave for the death of an employee's immediate family member (spouse, children, grandchildren, grandparents, mother, father, sister, or brother). For purposes of this section, in laws are not included in the term "immediate family member."~~

A. Regardless of probation status, full and regular part-time employees will receive five days of paid bereavement leave for the death of an employee's immediate family member (spouse, children, grandchildren, grandparents, mother, father, sister, brother, mother, and father in-law).

~~B. The employee shall provide appropriate documentation of death to the personnel officer. (Ord. 13-007 § 3, 2013; Ord. 12-001 § 3, 2013)~~

B. If requested, the employee shall provide appropriate documentation of death to the Human Resources Manager. (Ord. 13-007 § 3, 2013; Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.30.090 Absence Without Prior Approval is hereby amended as follows (new language is underlined and deleted language is stricken):

~~B. Failure to do so shall be cause for the time off to be charged as leave without pay.~~

B. Failure to do so may subject the employee to disciplinary action.

Palmer Municipal Code Section 4.30.100 Personal Leave Donations is hereby amended as follows (new language is underlined and deleted language is stricken):

~~B. Long Term Illness Defined. A long term illness is defined as a medical condition involving either the employee or the employee's family member and:~~

- ~~1. Requires the employee to be absent from work for a prolonged period of two or more weeks; and~~
- ~~2. Results in a loss of income because of the employee's lack of available accrued leave.~~

B. Long-Term Illness Defined. A long-term illness is defined as a medical condition involving either the employee or the employee's immediate family member and:

1. Requires the employee to be absent from work for a period of two consecutive weeks or more; and
2. Results in a loss of income because of the employees' lack of available accrued leave.

E. Employee Leave Donations

3. The form will be approved or denied by the city manager.

3. Employees are prohibited from requesting leave donations from other employees.

~~4. Employees are prohibited from requesting leave donations from other employees.~~

Palmer Municipal Code Section 4.30.130 Other Leave is hereby amended as follows (new language is underlined and deleted language is stricken):

A. Jury Duty Leave. The city will grant an employee administrative leave for jury duty. Fees paid by the court (other than travel and subsistence allowances) will be turned in for deposit to the city's general fund.

A. Jury Duty Leave. The city will grant an employee administrative leave for jury duty. Fees paid by the court (other than travel and subsistence allowances) will be turned in to the Finance Department for a deposit to the city's general fund.

~~B. Short Term Military Leave with Pay.~~

~~1. A regular, full-time employee who has served with the city for six months or more immediately preceding an application for military leave and who is a member of the National Guard or a reserve component of the armed~~

~~forces of the United States is entitled to a leave of absence from their duties for a period not exceeding 15 calendar days in any calendar year.~~

~~2. Such leave shall be granted without loss of time, pay, or benefits to which they are entitled.~~

~~3. Employees receiving short-term military leave pay shall tender pay received from the military.~~

~~4. Military leave with pay may be granted only when an employee receives bona fide orders to active or training duty for a temporary period and shall not be paid if the employee does not return to their position immediately following the expiration of the period for which they were ordered to duty.~~

~~5. Military leave with pay shall not be granted to employees entering the service for extended and indefinite period of active duty.~~

B. Short-Term Military Leave with Pay.

1. Short-term military leave will be provided as outlined in AS 39.20.

~~C. Extended Military Leave without Pay.~~

~~1. An employee serving in the Guard or Reserve who is called to active duty for an extended tour of duty is eligible for an extended military leave of absence, which may continue up to five years.~~

~~2. Upon return from active duty service, they shall return to a position in the same range as their last position at the salary step prevailing for such position without loss of seniority or employment rights.~~

~~3. If it is established that they are not physically qualified to perform the duties of their former position by reason of such service, he or she shall be reinstated in other work that they are able to perform at the nearest appropriate level of the pay of their former position.~~

~~4. Such employees shall make application for reinstatement within 45 days of discharge or return and shall report to work within three months following separation from active duty.~~

~~5. Failure to comply will terminate the extended military leave.~~

~~6. When an employee voluntarily reenlists or extends his or her period of military service, this military leave shall be deemed canceled.~~

~~7. This rule shall apply so long as it does not violate 38 USC 2021—2026 pertaining to reinstatement of city employees returning from active duty. Only to the extent necessary to comply with 38 USC 2021—2026, those provisions shall prevail over this rule. (Ord. 12-001 § 3, 2013)~~

C. Extended Military Leave without Pay.

All city employees called for military duty shall receive benefits as required under the Uniformed Services Employment and Reemployment Rights Act (USERRA), including five years of unpaid leave.

Palmer Municipal Code Section 4.30.140 Leave Without Pay is hereby amended as follows (new language is underlined and deleted language is stricken):

~~C. Leave in Excess of Five Working Days. Leave without pay in excess of five working days must be approved by the manager with the recommendation of the personnel officer and an accompanying report and recommendation from the department director.~~

C. Leave in Excess of Five Working Days. Leave without pay more than five working days in a calendar year must be approved by the City Manager with the recommendation of the Human Resources Manager and an accompanying report and recommendation from the Department Director.

~~D. Health Insurance. Health insurance to the extent provided for other employees shall continue in effect during leave without pay (including that resulting from suspension without pay).~~

~~1. Leave Without Pay Not Related to Family Medical Leave Act. An employee on leave without pay, not related to the family medical leave, shall pay both the employer and employee share of the monthly health insurance premium at a pro-rated amount when the employee's leave without pay exceeds two weeks;~~

~~2. Leave Without Pay Related to the Family Medical Leave Act. The city shall continue to pay the health insurance premium, for a period not to exceed 18 weeks, for an employee on approved family medical leave.~~

D. Health Insurance. Health insurance to the extent provided for other employees shall continue in effect during leave without pay (including that resulting from suspension without pay).

1. Leave Without Pay Not Related to Family Medical Leave Act or Alaska Family Leave Act. An employee on leave without pay, not related to the family medical leave or Alaska Family Leave Act, shall pay both the employer and employee share of the monthly health insurance premium at a pro-rated amount when the employee's leave without pay exceeds two weeks.

2. Leave Without Pay Related to the Family Medical Leave Act or Alaska Family Leave Act. The city shall continue to pay the city's portion of the health insurance premium, for a period not to exceed 18 weeks, for an employee on approved family leave. Employees are required to pay any employee portion of the premium within time limits prescribed by the Finance Director, not to exceed 30 days from the premium due date.

Palmer Municipal Code Section 4.30.160 Family and Medical Leave is hereby amended as follows (new language is underlined and deleted language is stricken):

~~4.30.160 — Family and medical leave.~~

4.30.160 Family and Medical Leave/Alaska Family Leave

~~A. When leave is due to a "qualifying exigency" an eligible employee may take up to 12 workweeks of leave during any 12-month period.~~

~~B. When leave is to care for an injured or ill service member, an eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period.~~

~~Service member FMLA runs concurrent with other leave entitlements provided under federal, state and local law.~~

~~C. Certification:~~

~~1. An employee requesting family and medical leave shall provide to the personnel officer certification of the circumstances on which the request is being made, to include documentation of placement or adoption proceedings, the statement of a health care provider of the employee's pregnancy, spouse's pregnancy or a serious health condition of the employee or the employee's spouse, child, or parent.~~

~~2. Prior to returning to work, an employee who has been on family and medical leave due to his or her own serious health condition shall present a certificate from the employee's health care provider that the employee is released for duty.~~

~~D. Definition. A covered service member is:~~

~~1. A current member of the armed forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or~~

~~2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.~~

~~E. Measuring Period. The 12-month period during which an employee is eligible for family and medical leave shall be the "rolling" 12-month period measured backward from the date an employee begins any family and medical leave.~~

The Alaska Family Leave Act and the federal Family and Medical Leave Act of 1993 entitle employees to periods of leave for childbirth, adoption, to care for a close relative with a serious health condition, or if the employee is unable to perform his or her duties because of a serious health condition. The city shall abide by both the federal Family and Medical Leave Act (FMLA) of 1993 and its subsequent amendments and the provisions of Alaska Family Leave Act (AFLA) under AS 39.20.500.

~~F. Coordination with Other Leave:~~

~~1. An employee requesting family and medical leave shall first exhaust accrued annual personal leave before utilizing leave without pay.~~

~~2. Injury leave due to a serious health condition is considered family and medical leave because of a serious health condition that makes the employee unable to perform the functions of his or her job and shall run concurrently with family and medical leave.~~

~~G. Health Insurance Benefit. Health insurance coverage for an employee on family and medical leave shall be maintained on the same basis as such coverage is available to an employee who is actively at work during the first 12 weeks of family and medical leave during the measuring period. An employee on extended family leave shall be eligible for such coverage only to the extent he or she pays for it, which shall be in the manner prescribed by the personnel officer.~~

~~H. Personal leave and holidays with pay will accumulate during family and medical leave.~~

~~I. Replacement of Employee on Family and Medical Leave. An employee on family and medical leave may be replaced by a temporary or substitute employee depending on the needs of the department and the duration of the family and medical leave. An employee shall resume his or her position upon completion of family and medical leave.~~

~~J. In the event that the employee is unable to work upon the expiration of the family and medical leave, such employee would be terminated without prejudice, subject to the discharge procedures in PMC 4.50.060 through 4.50.080.~~

~~K. In the event of disability discharge, the city will notify the employee of his or her right to extend health plan coverage. This notice will be in accordance with COBRA, the Consolidated Omnibus Budget Reconciliation Act of 1985. (Ord. 12-001 § 3, 2013)~~

A. Coordination with Other Leave.

1. An employee requesting FMLA or AFLA leave shall first exhaust accrued annual personal leave before utilizing leave without pay.

2. Leave resulting from a workplace (Workers' Compensation) injury is considered FMLA/AFLA leave if the condition prohibits the employee from being able to perform the functions of his or her job and shall run concurrently with FMLA/AFLA.

3. FMLA and AFLA will be run concurrently.

B. Personal leave and holidays with pay will accumulate during FMLA and AFLA leave.

C. Replacement of Employee on FMLA/AFLA leave. An employee on FMLA/AFLA leave may be replaced by a temporary employee depending on the needs of the department and the duration of the leave.

D. If the employee is unable to work upon the expiration of the FMLA/AFLA leave, such employee would be terminated without prejudice, subject to the discharge procedures in PMC 4.50.060 through 4.50.080.

E. In the event of disability discharge, the city will notify the employee of his or her right to extend health plan coverage. This notice will be in accordance with COBRA, the Consolidated Omnibus Budget Reconciliation Act of 1985. (Ord. 12-001 § 3, 2013).

Palmer Municipal Code Section 4.40.005 Scope of Coverage - Definitions is hereby amended as follows (new language is underlined and deleted language is stricken):

Any employee of the city having a work-related complaint is required to seek resolution of the complaint by following the procedures described in this section.

The intent of this procedure is to seek resolution of the complaint at the lowest level of the organization possible, to foster sound interpersonal relations between each level of the city's departments, and to be supportive of open communication between supervisors and subordinates.

~~4.40.010 — Timely — Definition.~~

~~In this chapter, "timely" means the grievance must be filed within 60 days of the grievable event. (Ord. 12-001 § 3, 2013)~~

Palmer Municipal Code Section 4.40.020 Procedure is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. When an employee has a grievance, the employee shall timely present the grievance in writing to his or her immediate supervisor who shall endeavor to resolve it within five working days. If the supervisor is unable to do so the supervisor shall refer it to the department director who shall have five working days for the settlement of the grievance.~~

A. When an employee has a grievance, the employee shall timely present the grievance in writing to his or her immediate supervisor who shall endeavor to resolve it within five working days. If the supervisor is unable to do so the supervisor, he/she shall refer it to the Department Director who shall have five working days from his/her receipt for the settlement of the grievance.

~~B. If the employee's supervisor is a department director, then the department director shall have seven working days to settle the grievance. If not resolved at the department director level, the grievance shall be reported in writing to the personnel officer.~~

B. If the employee's supervisor is a Department Director, then the Department Director shall have seven working days to settle the grievance. If not resolved at the Department Director's level, the grievance shall be reported in writing to the Human Resources Manager.

~~C. Once reported to the personnel officer or designee, the personnel officer or designee shall conduct an investigation. The decision on the findings shall be provided to the employee within 15 working days. If the grievance is not resolved at the personnel officer level, it shall be reported in writing along with the personnel officer's findings and decision to the city manager who shall conduct an investigation and hearings as may be appropriate and report his or her findings and decision to the employee within 15 working days. The decision of the city manager shall be final.~~

C. Once reported to the Human Resources Manager, the Human Resources Manager shall investigate. The decision on the findings shall be provided to the employee within 15 working days from receipt. If the grievance is not resolved at the Human Resources Manager level, it shall be reported in writing along with the Human Resources Manager's findings and decision to the City Manager who may accept the Human Resources Manager's findings or investigate, and hearings as may he or she deems appropriate and report his or her findings and decision to the employee within 15 working days from receipt. The decision of the City Manager shall be final.

~~D. In presenting grievances throughout the procedure, the aggrieved employee may have the assistance of any representatives as he or she considers desirable, at the employee's expense. Any employee of the city having a work-related complaint is required to seek resolution of the complaint by following the procedures described in this section.~~

D. Throughout the process, the aggrieved employee may have the assistance of any representative he or she considers desirable, at the employee's expense. City employees may not be compelled to assist an aggrieved employee and, if they choose to participate, may not do so while on duty.

~~E. The intent of this procedure is to seek resolution of the complaint at the lowest level of the organization possible, to foster sound interpersonal relations between each level of the city's departments, and to be supportive of open communication between supervisors and subordinates.~~

E. Once an employee has given notice of resignation or has been served with the notice of intent for adverse action according to Chapter 4.50 PMC, Disciplinary Action and Termination, their grievance rights cease. (Ord. 12-001 § 3, 2013)

~~F. Once an employee has given notice of resignation or has been served with the notice of intent for adverse action according to Chapter 4.50 PMC, Disciplinary Action and Termination, their grievance rights cease. (Ord. 12-001 § 3, 2013)~~

Palmer Municipal Code Section 4.50 Disciplinary Action and Termination hereby amended as follows (new language is underlined and deleted language is stricken):

~~Chapter 4.50 DISCIPLINARY ACTION AND TERMINATION~~

CHAPTER 4.50 DISCIPLINARY ACTION, TERMINATION, LAYOFFS, RESIGNATIONS AND RETIREMENTS

Sections:

- ~~4.50.005 Scope of coverage.~~
- ~~4.50.010 Suspension.~~
- ~~4.50.020 Involuntary demotion.~~
- ~~4.50.030 Category 1 Actions that may result in discipline.~~
- ~~4.50.040 Category 2 Actions that may result in discipline.~~
- ~~4.50.050 Department director procedure for imposing adverse action.~~
- ~~4.50.060 Classified employee's right to a hearing on department director's intent to impose adverse action.~~

Sections:

- 4.50.005 Scope of Coverage
- 4.50.010 Suspension
- 4.50.020 Involuntary Demotion
- 4.50.030 Actions That May Result in Discipline
- 4.50.050 Department Director Procedure for Imposing Adverse Action
- 4.50.060 Classified Employee's Right to a Hearing on Department Director's Intent to Impose Adverse Action
- 4.50.070 City Manager's Procedure for Imposing Adverse Action
- 4.50.080 Layoffs
- 4.50.090 Resignation
- 4.50.100 Retirement
- 4.50.110 COBRA

~~4.50.020 Involuntary demotion.~~

~~A department director or the city manager with concurrence of the personnel officer may notify an employee of intent to involuntarily demote an employee whose ability to perform required duties falls below an acceptable standard or for disciplinary purposes. The department director or city manager may notify the employee only after following the applicable procedures set forth in PMC 4.50.060 or 4.50.080, respectively. (Ord. 12-001 § 3, 2013).~~

4.50.020 Involuntary Demotion

A Department Director or the City Manager with concurrence of the Human Resources Manager may notify an employee of intent to involuntarily demote an employee whose ability to perform required duties falls below an acceptable standard or for disciplinary purposes. The Department Director or City Manager may notify the employee only after following the applicable procedures set forth in PMC 4.50.050. (Ord. 12-001 § 3, 2013).

Palmer Municipal Code Section 4.50.030 Category 1 – Actions That May Result in Discipline is hereby amended as follows (new language is underlined and deleted language is stricken):

~~4.50.030 Category 1 Actions that may result in discipline.~~

~~A. Reasons for disciplinary action up to and including discharge under this section include, but are not limited to, the following:~~

- ~~1. Unsatisfactory work quality or quantity; carelessness or inefficient performance of duties; neglect of duty or refusal to perform work assigned.~~
- ~~2. Refusal or willful disobedience to comply with instructions or lawful orders given by supervisors or designee;~~

- ~~3. Inappropriate conduct towards a supervisor, other employee(s), or member of the public including but not limited to: verbal or physical abuse of a supervisor, other employee(s), or member of the public, raising voice, making false or misleading statements that may damage the integrity or reputation of the supervisor or other employees; obscene or abusive language;~~
- ~~4. Excessive/habitual tardiness and/or absenteeism, unauthorized extension of break and lunch hours, and leaving work before scheduled;~~
- ~~5. Horseplay;~~
- ~~6. Conflict of interests as defined in city policy;~~
- ~~7. Committing or condoning a violation of law, including an ordinance or city rules and regulations;~~
- ~~8. Improper or unauthorized use of city owned or leased property vehicles, telephones, or credit cards. Misuse of city or government funds;~~
- ~~9. Failure to maintain required professional or technical certifications for the position;~~
- ~~10. Uncivil or discourteous acts toward citizens or other city employees, including subordinates, coworkers and superiors;~~
- ~~11. Smoking in prohibited areas including city owned vehicles;~~
- ~~12. Possession of alcoholic beverages on city property during work time;~~
- ~~13. Consumption of an alcoholic beverage or nonprescribed narcotics, tranquilizers, marijuana, or any illegal drugs within four hours before the employee is scheduled to report for work;~~
- ~~14. Willful negligence which results in injury to personnel or damage to city or government property;~~
- ~~15. Destruction, abuse, improper disposition, or unauthorized possession or removal from city premises of any property which does not belong to the employee;~~
- ~~16. Failure to report to the immediate supervisor an on-the-job injury or accident involving equipment, property, or employee;~~
- ~~17. Lewd or suggestive actions or behavior;~~
- ~~18. Failure to use or wear required safety equipment;~~
- ~~19. Other just cause.~~

~~B. These are not to be considered all-inclusive, and nothing herein prevents the city from properly disciplining and/or terminating an employee for any other reason. An employee may be subject to dismissal if he or she repeats an offense in Category 1 or has already received disciplinary action for the same offense.~~

~~C. Except in aggravated cases, before the department director or city manager notifies the employee, the department director or city manager will constructively counsel the employee in an effort to correct the behavior. In the event the employee does not make satisfactory progress and continuation of employment is in jeopardy, the department director or the personnel officer shall counsel the employee, and give the employee a copy of a written plan of improvement listing the requirements which the employee must meet and setting reasonable time limits in which they must be met to avoid termination. Thereafter, if the department director or the city manager believes the employee has failed to meet the requirements, the department director or city manager shall notify the employee of intent to discharge following the procedures set out in PMC 4.50.060 or 4.50.070. (Ord. 12-001 § 3, 2013)~~

4.50.030 Actions that may Result in Discipline

A. These are not to be considered all-inclusive, and nothing herein prevents the city from properly disciplining and/or terminating an employee for any other reason. Reasons for disciplinary action up to and including discharge under this section include, but are not limited to, the following:

1. Unsatisfactory work quality or quantity; carelessness or inefficient performance of duties; neglect of duty or refusal to perform work assigned.
2. Refusal or willful disobedience to comply with instructions or lawful orders given by supervisors or designee.
3. Inappropriate conduct towards a supervisor, other employee(s), or member of the public including but not limited to: verbal or physical abuse of a supervisor, other employee(s), uncivil or discourteous acts, or member of the public, raising voice, making false or misleading statements that may damage the integrity or reputation of the supervisor or other employees; obscene or abusive language.
4. Excessive/habitual tardiness and/or absenteeism, unauthorized extension of break and lunch hours, and leaving work before scheduled.
5. Horseplay

6. Conflict of interests as defined in city policy.
 7. Committing or condoning a violation of law, including an ordinance or city rules and regulations.
 8. Improper or unauthorized use of city owned or leased property vehicles, telephones, or credit cards. Misuse of city or government funds.
 9. Failure to obtain or maintain required professional or technical certifications for the position.
 11. Smoking in prohibited areas including city owned vehicles.
 12. Consumption of an alcoholic beverage or non-prescribed narcotics, tranquilizers, marijuana, or any illegal drugs within four hours before the employee is scheduled to report for work.
 13. Willful negligence which results in injury to personnel or damage to city or government property.
 14. Destruction, abuse, improper disposition, or unauthorized possession or removal from city premises of any property which does not belong to the employee.
 15. Failure to report to the immediate supervisor an on-the-job injury or accident involving equipment, property, or employee.
 16. Lewd or suggestive actions or behavior.
 17. Failure to use or wear required safety equipment.
 18. Other just cause
 19. Dishonesty; including, without limitation, falsifying or making a material omission on an employment application, time record, internal investigation statements, or any other official record.
 20. Deliberate disregard of the law or any other city rules and policies.
 21. Flagrant insubordination, including willful disobedience to a lawful order.
 22. Sexual harassment as defined by city policy.
 23. Harassment and discrimination as defined by city policy.
 24. Bringing firearms or other weapons to working areas (other than sworn officers).
 25. Workplace violence as defined by city policy.
 26. Computer use violation as defined by city policy.
 27. Drug and alcohol use in the workplace or during meal/break periods.
 28. Abuse, destruction, or theft of city property.
 29. Absences without proper notification to respective supervisor.
 30. Possession or use of nonprescribed narcotics, tranquilizers, marijuana, or any other illegal drugs either on city property, during work time or lunch break; or being under the influence of any of these substances during work time or lunch time.
 31. Failure to inform supervisor of prescribed medication where there is likelihood that such medication could affect your job performance and safety or refusal to submit written notification from a medical or mental health professional stating employee's prescription medication will not cause impairment in judgment, coordination, or physical abilities, if requested by supervisor.
 32. Driving a city-owned vehicle at any time the employee's ability to do so is impaired using prescription or nonprescription drugs or intoxicating substances. "Vehicle" includes, but is not limited to road grader, bobcat, front end loader, four-wheeler.
 33. Making false claims of work-related injury or illness.
 34. Engaging in any conduct which creates a safety, security, or health hazard, including disregard of safety rules.
 35. Falsification of city or official records.
 36. Negligence resulting in substantial environmental damage.
 37. Unauthorized sleeping on duty.
 38. Unauthorized use of overtime.
 39. Failure to notify the Department Director of any criminal conviction for a violation occurring no later than one day before such conviction.
 40. Failure to notify the Department Director during the shift of occurrence of any of the following, including but not limited to, work related personal injury, city property damage and/or injury or damage occurring to a third party.
 41. Violation of the city's waste/fraud/abuse or computer use regulations.
- B. If an employee is indicted in state or federal court on a felony charge, they may be placed on administrative leave without pay or benefits pending the outcome of the administrative investigation. (Ord. 12-001 § 3, 2013)

C. Except in aggravated cases, and with concurrence of the Human Resources Manager, before the Department Director or City Manager notifies the employee, the Department Director or City Manager will constructively counsel the employee to correct the behavior. In the event the employee does not make satisfactory progress and continuation of employment is in jeopardy, the Department Director shall give the employee a copy of a written performance improvement plan listing the requirements which the employee must meet and setting reasonable time limits in which they must be met to avoid termination. Thereafter, if the department director or the City Manager believes the employee has failed to meet the requirements, the Department Director or City Manager shall notify the employee of intent to discharge following the procedures set out in PMC 4.50.050. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.50.040 Category 2 – Actions that May Result in Discipline is hereby amended as follows (new language is underlined and deleted language is stricken):

~~4.50.040 — Category 2 — Actions that may result in discipline.~~

~~A. The following rules apply to city employees and are for the protection of city employees and property. Violations of these rules may result in disciplinary action including and up to termination. The following list includes but is not limited to the following prohibitions:~~

- ~~1. Dishonesty; including, without limitation, falsifying or making a material omission on an employment application, time record, internal investigation statements, or any other city record;~~
- ~~2. Deliberate disregard of the law or any other city rules and policies;~~
- ~~3. Flagrant insubordination, including willful disobedience to a lawful order;~~
- ~~4. Sexual harassment as defined by city policy;~~
- ~~5. Harassment and discrimination as defined by city policy;~~
- ~~6. Intoxication or use of alcoholic beverages during work time or lunch breaks;~~
- ~~7. Bringing firearms or other weapons to working areas (other than sworn officers);~~
- ~~8. Work place violence as defined by city policy;~~
- ~~9. Computer use violation as defined by city policy;~~
- ~~10. Drug and alcohol use in the workplace as defined by city policy;~~
- ~~11. Abuse, destruction or theft of city property;~~
- ~~12. Absences without proper notification to respective supervisor;~~
- ~~13. Fighting (verbal threats or physical contact) on city property;~~
- ~~14. Possession or use of nonprescribed narcotics, tranquilizers, marijuana, or any other illegal drugs either on city property, during work time or lunch break; or being under the influence of any of these substances during work time or lunch time;~~
- ~~15. Use of prescription medication that causes impairment in judgment, coordination, and physical abilities;~~
- ~~16. Failure to inform supervisor of prescribed medication where there is likelihood that such medication could affect your job performance and safety;~~
- ~~17. Refusal to submit written notification from a medical or mental health professional stating employee's prescription medication will not cause impairment in judgment, coordination or physical abilities, if requested by supervisor;~~
- ~~18. Driving a city owned vehicle at any time the employee's ability to do so is impaired by the use of prescription or nonprescription drugs or intoxicating substances. "Vehicle" includes, but is not limited to: road grader, bobcat, front end loader, four wheeler;~~
- ~~19. Making false claims of work related injury or illness;~~
- ~~20. Engaging in any conduct which creates a safety, security or health hazard, to include disregard of safety rules;~~
- ~~21. Falsification of city records;~~
- ~~22. Negligence resulting in substantial environmental damage;~~
- ~~23. Unauthorized sleeping on duty;~~
- ~~24. Unauthorized use of overtime;~~
- ~~25. Failure to notify the department director of any criminal conviction for a violation occurring no later than one day of such conviction;~~

~~26. Failure to notify the department director during the shift of occurrence of any of the following, including but not limited to, work related personal injury, city property damage and/or injury or damage occurring to a third party.~~

~~B. If an employee is indicted in state or federal court on a felony charge they may be placed on administrative leave without pay or benefits pending the outcome of the administrative investigation. (Ord. 12-001 § 3, 2013)~~

Palmer Municipal Code Section 4.50.050 Department Director Procedure for Imposing Adverse Action is hereby amended as follows (new language is underlined and deleted language is stricken):

~~4.50.050 — Department director procedure for imposing adverse action.~~

~~A. Except as provided in PMC 4.50.030, before notifying an employee of intent to impose adverse action, a department director must consult with the personnel officer, city manger, and city attorney. Thereafter, the department director shall:~~

- ~~1. Give written notice to the employee of the charge or charges against the employee;~~
- ~~2. Explain to the employee the basis, i.e., the evidence, supporting each charge; and~~
- ~~3. Allow the employee a reasonable opportunity to present their side of the story. If the employee requires time to prepare the presentation, up to three days shall be provided. Such presentation shall not be prepared on city's premises. The employee may be represented by counsel at their own expense.~~

~~B. After steps in subsections (A)(1) through (3) of this section have occurred, the department director shall consult with the city manager and city attorney and determine in writing:~~

- ~~1. Whether there are reasonable grounds to believe the charges against the employee are true; and~~
- ~~2. Whether the charges support the adverse action.~~

~~C. Only after the procedures in subsection (A) of this section have been completed may the department director notify the employee of intent to impose adverse action.~~

~~D. The notice of intent to impose adverse action shall notify the employee:~~

- ~~1. Of the department director's intent to impose a specified adverse action on the employee;~~
- ~~2. Of the statement of cause for the action including the determination of items in subsection (A) of this section;~~
- ~~3. That the employee has the right to a hearing before a hearing officer to contest the imposition of the adverse action; and~~
- ~~4. That if the employee does not deliver a written request for the hearing to the city manager within two working days after service upon the employee of the notice of intent, the adverse action shall be imposed and the employee shall have waived all right of appeal.~~

~~E. For administrative investigation purposes only, a department director may require written statements from any employee, including the charged employee, describing or explaining the charged employee's conduct or omissions at any time. Failure by any employee to provide a complete and truthful statement may be grounds for expedited discharge. (Ord. 16-018 § 3, 2016; Ord. 12-001 § 3, 2013)~~

4.50.050 Procedures for Imposing Adverse Action

A. Except as provided in PMC 4.50.030, before notifying an employee of intent to impose adverse action, a Department Director must consult with the Human Resources Manager, City Manager, and city attorney. Administrative investigations will be conducted by the Human Resources Manager or his/her designee. Investigations involving alleged violations of PMC for police department personnel will be conducted by the Human Resources Manager; all other complaints including those from community/citizen will be investigated by the Chief of Police or his/her designee.

Thereafter, the Human Resources Manager will prepare a written notice of charges.

1. The Department Director and Human Resources Manager will give written notice to the employee of the charge or charges against the employee.
2. Allow the employee a reasonable opportunity to present their side of the story. If the employee requires time to prepare the presentation, up to three days shall be provided. Such presentations shall not be prepared on city premises. The employee may be represented by counsel at their own expense.

B. After steps in subsections (A)(1) through (2) of this section have occurred and upon completion of the administrative investigation, the Department Director shall consult with the City Manager, Human Resources Manager and city attorney and determine:

1. Whether there are reasonable grounds to support the charges against the employee and
2. Whether the evidence supports adverse action.
- C. Only after the procedures in subsection (A) of this section have been completed may the Department Director and Human Resources Manager notify the employee of intent to impose adverse action.
- D. The notice of intent to impose adverse action shall notify the employee:
 1. Of the Department Director's intent to impose a specified adverse action on the employee.
 2. Of the statement of cause for the action including the determination of items in subsection (A) of this section.
 3. That the employee has the right to a hearing before a hearing officer to contest the imposition of the adverse action; and
 4. That if the employee does not deliver a written request for the hearing to the City Manager within two working days after service upon the employee of the notice of intent, the adverse action shall be imposed, and the employee shall have waived all right of appeal.
- E. Failure by any employee to participate in an administrative investigation and may be grounds for discharge. (Ord. 16-018 § 3, 2016; Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.50.060 Classified Employee's Right to a Hearing on Department Director's Intent to Impose Adverse Action is hereby amended as follows (new language is underlined and deleted language is stricken):

~~4.50.060 — Classified employee's right to a hearing on department director's intent to impose adverse action.~~

4.50.060 Classified Employee's Right to a Hearing on Intent to Impose Adverse Action

B. Hearing Officer Appointment

~~3. — The city clerk shall solicit persons who are willing to serve as hearing officers, and shall maintain a list of interested persons determined to be qualified.~~

3. The Human Resources Manager shall solicit people who are willing to serve as hearing officers and shall maintain a list of interested people determined to be qualified.

~~D. — If the employee duly delivers a request for hearing, the department director's imposition of adverse action is stayed pending decision by the hearing officer. The hearing officer will hold a hearing within five working days from date of receipt of the request. The hearing officer may extend in writing the hearing date, but no extension of more than 10 working days shall be granted. The hearing officer shall duly notify the employee of the date, time and place of the hearing.~~

D. If the employee duly delivers a request for hearing, the Department Director's imposition of adverse action is stayed pending decision by the hearing officer. The hearing officer will hold a hearing as soon as possible but no later than five working days from the date of receipt of the request. The hearing officer may extend in writing the hearing date, but no extension of more than 10 working days shall be granted. The hearing officer shall duly notify the employee of the date, time, and place of the hearing. The employee will be on unpaid administrative leave during the appeal process. If the hearing officer's decision is in favor of the employee. Then the employee will receive retro pay for the period on unpaid administrative leave.

~~F. — If the employee wishes to question another employee or employees, the city manager will, if practical, provide for the employee's attendance for questioning at no cost to the charged employee. The employee must notify the hearing officer, city manager and the department director of the names of the employee(s) at least three working days before the hearing or this right is waived. The hearing officer may determine the relevancy of evidence.~~

F. If the employee wishes to question another employee or employees, the City Manager will, if practical, provide for the employee's attendance for questioning at no cost to the charged employee. The employee must notify the hearing officer, City Manager, and the Human Resources Manager of the names of the employee(s) at least

three working days before the hearing or this right is waived. The hearing officer may determine the relevancy of evidence.

Palmer Municipal Code Section 4.50.090 Resignation is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. To resign in good standing an employee shall give at least two weeks' notice to enable the city to make proper provision for filling the position. The requirements may be waived by a department director where adequate provision can be made in a shorter period of time. All resignations shall be made in writing and presented to the department director. Failure to provide required notice shall result in a final appraisal stating the employee did not leave in good standing.~~

A. To resign in good standing an employee shall give at least two weeks' notice to enable the city to make proper provision for filling the position. The requirements may be waived by a Department Director where adequate provision can be made in a shorter period.
All resignations shall be made in writing and presented to the Department Director. Failure to provide required notice may be taken into consideration if the employee applies for a position with the city in the future.

~~B. Upon receipt of two weeks' notice the department director may elect to pay two weeks' severance pay in lieu of employee's service. (Ord. 12-001 § 3, 2013)~~

B. Upon receipt of a minimum of two weeks' notice the Department Director may elect to pay the employee in lieu of the employee's service. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.50.110 COBRA Notice is hereby amended as follows (new language is underlined and deleted language is stricken):

~~4.50.110 — COBRA notice.~~

~~A. Upon termination, the city or designee shall notify the employee of his or her right to extend the health plan coverage. This notice will be in accordance with COBRA, the Consolidated Omnibus Budget Reconciliation Act of 1985. Under COBRA, if an employee terminates employment with the city of Palmer, the employee is entitled to continue participating in the city's group health plan for a prescribed period of time, usually 18 months. (In certain circumstances, such as an employee's divorce or death, the length of coverage period may be longer for qualified dependents.) COBRA coverage is not extended to employees terminated for gross misconduct.~~

~~B. The Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994 provides an employee who is on military leave of absence will retain their health insurance coverage for the first 31 days of uniformed service. Employees on military leave of absence which extends beyond the 31 days will be eligible for COBRA benefits for up to 24 months.~~

~~C. If a former employee chooses to continue group benefits under COBRA, he/she must pay the total applicable premium plus a two percent administrative fee. Coverage will cease if the former employee fails to make premium payments as scheduled, becomes covered by another group plan that does not exclude pre-existing conditions or becomes eligible for Medicare. (Ord. 12-001 § 3, 2013)~~

4.50.110 Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)
Benefit eligible employees will receive the required COBRA notices as required by law.

Palmer Municipal Code Section 4.60.005 Training is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. Each department director shall develop and conduct such practical training programs as are suited to the special requirements of the department. The city manager shall institute and provide for the conduct of training programs which are needed for efficient management of two or more departments. Training programs shall particularly emphasize employee safety, OSHA compliance, sexual harassment, and workplace violence.~~

~~A. The Human Resources Manager shall be responsible for sourcing and assigning mandatory training for all classified employees. Training will include, at a minimum, sexual harassment prevention, workplace violence prevention, workplace safety, computer/internet safety, anti-harassment, and diversity. Supervisors may be assigned additional courses including, but not limited to, supervision training, training on federal/state laws, EEO recommended training.~~

~~1. Department directors shall monitor training assignments for completion. Training assignments for new employees will be completed within 30 days of hire. Annual training assignments will be completed no later than March 31st of each year. Department Director shall develop and conduct such practical training programs as are suited to the special requirements of the department.~~

~~B. Each department director may offer employees the opportunity to attend off site training, conferences or seminars, at the city's expense, subject to appropriation.~~

B. Each Department Director may offer employees the opportunity to attend off-site training, conferences, or seminars, at the city's expense, subject to appropriation.

~~C. An employee who terminates his or her employment within 12 months of date of training shall reimburse the city for the cost associated with the training.~~

~~1. Reimbursement shall be prorated; i.e., if training cost is \$1,200 and the employee leaves six months after training, the employee is required to reimburse the city \$600.00.~~

C. An employee who terminates his or her employment within 12 months of the date of training shall reimburse the city for the cost associated with the training.

1. Reimbursement shall be prorated, i.e., if the training cost is \$1,200 and the employee leaves six months after training, the employee is required to reimburse the city \$600.00.

Palmer Municipal Code Section 4.60.010 Official Travel is hereby amended as follows (new language is underlined and deleted language is stricken):

C. The city will not pay or reimburse costs associated with non-city employee travel.

Palmer Municipal Code Section 4.60.060 Private Vehicle Costs is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. If a city vehicle is not available, the city will reimburse travelers for use of their privately owned vehicle at the currently approved rate not to exceed the cost of coach class airfare;~~

A. If a city vehicle is not available, the city will reimburse travelers for use of their privately owned vehicle at the currently approved mileage reimbursement rate.

~~B. If two or more employees travel in the same private vehicle, the reimbursement shall not exceed the cost that would have been incurred had they all traveled by air. Only the owner of the vehicle may claim reimbursement for mileage;~~

B. If two or more employees travel in the same private vehicle, only the owner of the vehicle may claim reimbursement for mileage.

Palmer Municipal Code Section 4.60.090 Per Diem and Day Travel Allowance is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. In State Travel over 12 Hours.~~

- ~~1. A per diem rate of \$70.00 shall be allowed for employees who are away from home for over 12 hours on city business.~~
- ~~2. The \$70.00 rate includes \$15.00 for breakfast, \$20.00 for lunch and \$35.00 for dinner.~~
- ~~B. Out-of-State Travel over 12 Hours:~~
 - ~~1. A per diem rate equal to the current IRS rate shall be allowed for employees who are away from home for over 12 hours on city business.~~
 - ~~2. The rate shall include the current amount for breakfast, lunch, and dinner.~~
- ~~C. Day Travel Allowance:~~
 - ~~1. Employees who travel on city business for a time period of more than four hours and less than 12 hours are entitled to an allowance of one meal.~~
 - ~~2. The meal allowance is based on the current rate for breakfast, lunch, or dinner.~~
 - ~~3. This is a taxable allowance and therefore will be an addition to the employee's wages on the payroll following the travel.~~

A. In-State Travel over 12 Hours.

1. Employees will be authorized per diem rate as outlined in the GSA schedule (minus lodging rates unless approved in advance by the City Manager). The first/last day of travel will be reimbursed at seventy-five percent (75%) and will not include lodging.

B. Out-of-State Travel over 12 Hours.

1. Employees will be authorized at the per diem rate as outlined in the GSA schedule. The first/last day of travel will be reimbursed at seventy-five percent (75%) and will not include lodging.

C. Day Travel Allowance.

1. Employees who travel on city business for a period of more than four hours and less than 12 hours are entitled to an allowance for one meal based on the rates as outlined in the GSA schedule.

2. This is a taxable allowance and therefore will be an addition to the employee's wages on the payroll following the travel.

3. Day travel allowance M&IE breakdown will be calculated based on US Department of State data https://aoprals.state.gov/content.asp?content_id=114&menu_id=81.

~~D. A deduction to per diem will be made for meals paid for separately by the city and meals paid for by others. This includes meals paid in advance and/or included in registration fees and business meals reimbursed to the traveler or reimbursed to another city traveler as a business meal. Meals provided by airlines do not impact per diem entitlement. Continental breakfasts which are provided do not impact per diem entitlement.~~

D. A deduction to per diem will be made for meals included as a part of the event, this includes meals paid in advance and/or included in registration fees, business meals reimbursed to the traveler or reimbursed to another city traveler as a business meal. Meals provided by airlines do not impact per diem entitlement. Continental breakfasts which are provided do not impact per diem entitlement.

~~E. The Internal Revenue Service requires that per diem be prorated for partial days of travel, which will occur on departure or arrival from the city. The following is the departure and arrival proration:~~

- ~~1. The actual departure and arrival of the aircraft will be used to determine the times.~~
- ~~2. If traveling by private vehicle, the times are based on the actual departure and arrival time from the point of origin.~~

~~Departure Time — In State Allowance — Out of State Allowance~~

~~12:01 a.m. to 10:00 a.m. — \$15.00 Current IRS Rate~~

~~10:01 a.m. to 3:00 p.m. — \$20.00 Current IRS Rate~~

~~3:01 p.m. to midnight \$35.00 Current IRS Rate~~

~~Arrival Time — In State Allowance — Out of State Allowance~~

~~12:01 a.m. to 10:00 a.m. — \$15.00 Current IRS Rate~~

~~10:01 a.m. to 3:00 p.m. — \$20.00 Current IRS Rate~~

~~3:01 p.m. to midnight \$35.00 Current IRS Rate~~

~~(Ord. 15-017 § 3, 2015; Ord. 12-001 § 3, 2013)~~

Palmer Municipal Code Section 4.60.100 Car Rental Costs is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. The city will reimburse car rental costs only if car rental was approved on the travel authorization form, and then only for the days/mileage necessary to conduct official business.~~

A. The city will reimburse car rental costs only if car rental was approved on the travel authorization form, and then only for the days/mileage necessary to conduct official business. The most cost-efficient vehicle must be rented to be reimbursed.

Palmer Municipal Code Section 4.60.120 Other Expenses Related to City Business is hereby amended as follows (new language is underlined and deleted language is stricken):

C. Items not essential to the travel including dry cleaning, laundry service, pay-per-view movies, alcohol, atm charges, cash advance charges, valet parking (unless required), travel insurance, airline club memberships or fees, hotel mini bar or entertainment charges are not reimbursable. In addition, expenses paid for utilizing miles, points or airline vouchers will not be reimbursed.

Palmer Municipal Code Section 4.60.150 Car Rental Costs is hereby amended as follows (new language is underlined and deleted language is stricken):

~~Credit card receipts shall be accompanied by itemized cash register receipts. (Ord. 12-001 § 3, 2013)~~

Credit card receipts shall be accompanied by itemized cash register receipts. Failure to provide itemized receipts may subject the employee to payroll deductions. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.70.005 Computer Use Policy is hereby amended as follows (new language is underlined and deleted language is stricken):

It shall be the policy of the City to provide employees with technological resources when determined to be of benefit to the city. The purpose of this Policy is to provide regulations to ensure the efficient and appropriate use of the city's technology resources.

A. This Policy applies to all City employees, including contract employees using city-owned or leased technology resources.

B. A user of city technology resources shall be responsible for the information contained in this regulation. The burden of responsibility is on the user to inquire as to acceptable and unacceptable uses prior to using city technology resources.

C. Procedure/Rule

1. Definitions

a. Technology Resources. Any hardware, including personal computers, tablets, smart phones, mobile digital terminals (MDTs/Laptops), host systems, printers, scanners, flash/thumb drives, software, remote access, e-mail, text messages, Internet connection tools, and networks.

D. Confidentiality and Privacy

1. All data that is composed, transmitted, or received via city technology resources in the transaction of city business is considered part of the official records of the city and is subject to records retention laws and the Public Information Act. There is no expectation of personal privacy in the use of city technology resources.

2. The data that is composed via city technology resources may be viewed by the City of Palmer or the city's IT service contractor(s) during routine maintenance, or as needed for administrative purposes, which includes investigations of possible violations of this regulation.

3. The city reserves the right to set permissions and accessibility rights as it deems necessary to all city technology resources. Except as pursuant to this section, no access shall be given to another employee's city technology resources without express permission from the appropriate Department Director or his/her designee, and such communication shall be communicated to the city's IT service contractor(s).

An employee shall not access, copy, alter or destroy another employee's city technology resources without express permission from the Department Director and unless authorized or required to do so by law or regulation.

E. City Property. City technology resources are the property of the city.

1. An employee shall respect the legal protection provided by copyrights, licenses, and federal, state, or local laws and regulations. Copying city-owned or licensed software or data to another computer system is prohibited without the prior written consent of the Department Director and notification sent to the city's IT service contractor(s).

2. No employee shall integrate personal technology resources containing inappropriate content with city technology resources.

F. Security ID

1. The city's technology resources requires that each employee have a unique identity, referred to as a "User ID," which represents and identifies an employee in various system activities, provides access to certain software. Assuming another employee's User ID, or assuming an anonymous identity, is expressly prohibited.

2. Each employee is responsible for any modification or access to system information made using his/her User ID. An employee shall not share his/her passwords or leave any technology resource unattended while logged on. An employee should be aware that merely turning an item off does not necessarily log the employee off the system.

G. Internet Use. Due to the very nature of Internet and online services, the city has no control over the content of messages or information postings on those services. The city reserves the right to use available technology to screen out information that may be offensive or not business-related, as determined by the city, although technology cannot block all sites that may contain offensive material, nor can the city prevent transmission and/or receipt of all offensive e-mail messages.

1. Right to Monitor. The City reserves the right to log, monitor and review all system and Internet connection and traffic information. If an employee receives offensive information, the employee should forward the information to the IT service contractor(s), who will attempt to minimize this type of activity.

2. Internet Connection. Internet use is provided using a dedicated connection, and a firewall. Internet use outside of this configuration is prohibited unless specifically authorized by the city's IT service contractor(s).

3. Pop-Ups. Offensive or obscene "pop-ups" should be reported to the IT service contractor(s).

H. Use While Driving. No employee shall use a city-issued or personal smart phone for city purposes while driving unless the employee is using the smart phone with hands-free technology. This prohibition does not apply to employees operating authorized emergency or law enforcement vehicles while acting in an official capacity.

I. Operating System. Each employee shall maintain the original device operating system and keep the device current with security patches and updates, as released by the manufacturer. Employees shall not alter the security that is in place by the manufacturer as default (a.k.a., "jailbreak" or "root" the device) or install software that allows the employees to bypass security features and controls. "Jailbroken" or "rooted" devices will immediately be disconnected from the city's network services.

J. Passwords. Employees shall password protect his/her device(s) and shall keep that password confidential.

K. City-Issued Devices. Issuance of a City-issued devices to an employee is at the discretion of the Department Director or her/his designee. The Department Director or his/her designee reserves the right to recall/disconnect city-issued devices if she/he determines that such use is not in the best interested of the city for such reasons, including:

1. Violation of this Policy.

2. Non-use or limited use of the device.

3. Excessive personal use of the device that interferes with job performance; or

4. Budgetary constraints.

L. Participation in Reimbursement Program Discretionary. Participation in the reimbursement program is discretionary. The Department Director or her/his designee reserves the right to cancel participation in the reimbursement program if she/he deems that such participation is not in the best interest of the city for such reasons, including those listed in section K above.

M. Separation of Employment. Upon separation of employment, employees who have been issued city-owned devices must turn in all devices no later than the last day of his/her employment. Failure to do so may result in payroll deductions as allowed by law.

- N. Viruses. The city desires to protect its technology resources from both the intentional and unintentional introduction of any computer virus. Therefore, an employee shall also practice safe computing, which includes:
1. Exercising care when receiving messages through the internet, software, or hardware from a third party; and
 2. Immediately report any suspicions of viruses to the IT service contractor(s).
- P. Prohibited Uses. In addition to the regulations specified in this section, an employee is specifically prohibited from using the city's technology resources in any manner identified in this section. Specific exemption to these prohibited uses may be made for Police Department investigations with the approval of the Chief of Police or his/her designee. Such prohibitions include, but are not limited to:
1. Use for any purpose that violates any City, state, or federal law.
 2. Destruction or damage to city technology resources.
 3. Use for private business, commercial purposes, or personal financial gain, including external consulting, or commercial advertising.
 4. Use that produces an adverse effect, disrupts the work environment, or interferes with workplace operations of the city.
 5. Use of city technology resources for purposes other than those intended by the department authorizing access, including allowing access by unauthorized persons.
 6. Personal use that is inappropriate or more than incidental or occasional.
 7. Storage of information that is private or personal and affects the performance of the technology resource.
 8. Downloading or use of applications, including games, other than those approved for city information management purposes.
 9. Viewing, sending, copying, or soliciting sexually oriented messages or images.
 10. Accessing internet sites which are "adult oriented" in nature, or which offer gambling services, or which contain obscene content of any nature.
 11. Use to defraud, threaten, libel, or harass others, including transmission of offensive or harassing statements or images that disparage others based on their race, national origin, sex, sexual orientation, age, disability, religious beliefs, political beliefs, or any other classification protected by law.
 12. Impersonation of any person or communication under a false or unauthorized name.
 13. Inappropriate mass mailing, "spamming" or "mail bombing".
 14. Tampering with any software protections or restrictions placed on computer applications or files or attempting to circumvent local or network system security measures.
 15. Knowingly or maliciously introducing any invasive or destructive programs into city technology resources or intentionally developing programs designed to harass other users or infiltrate and/or damage city technology resources.
 16. Attempting to modify, damage, interfere with or disrupt the operation of city technology resources.
 17. Use for fundraising, partisan politics or public relations activities not specifically authorized by the Department Director or designee and not related to city activities.
 18. Intentionally seeking information or security access rights on, obtaining copies of, or modifying files or data without proper authorization; or
 19. Intentionally copying or printing any software, electronic file, program, or data using city technology resources without specific authorization by the IT service contractor(s) or his/her designee and the Department Director or his/her designee.
- Q. Enforcement. An employee who violates this regulation shall be subject to revocation or suspension of user privileges and/or disciplinary action, up to and including termination of employment.

Palmer Municipal Code Section 4.70.010 Social Media Use Policy is hereby amended as follows (new language is underlined and deleted language is stricken):

B. General

~~e. Wherever possible, content posted to city social media sites should contain links directing users back to the city's official website for in-depth information, forms, documents or online services necessary to conduct business with the city.~~

c. Wherever possible, content posted to city social media sites should contain links directing users back to the city's official website for in-depth information, forms, documents, or online services necessary to conduct business with the city.

~~5. City social media sites are subject to the Alaska Public Records Act and Chapter 2.90 PMC.~~

~~a. Any content maintained in a social media format that is related to city business, including a list of subscribers and posted communication, is a public record.~~

5. City social media sites are subject to the Alaska Public Records Act and Chapter 2.90 PMC.

a. Any content maintained in a social media format that is related to city business, including a list of subscribers, and posted communication, is a public record.

F. Administration of City of Palmer Social Media Sites

~~1. The information technology committee will maintain a list of all city of Palmer social media sites, including login and password information. Assigned department employees will inform the committee of any new social media sites or administrative changes to existing sites.~~

1. The city clerk will maintain a list of all City of Palmer social media sites, including login and password information. Assigned department employees will inform the committee of any new social media sites or administrative changes to existing sites.

Palmer Municipal Code Section 4.70.020 Facebook Standard Policy is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. Purpose. Facebook is a social networking site. Businesses and governments have joined individuals in using Facebook to promote activities, programs, projects and events. This standard is designed for city departments looking to drive traffic to the city's website and to inform more people about city activities. These standards should be used in conjunction with the city's social media use policy. As Facebook changes these standards may be updated as needed.~~

A. Purpose. Facebook is a social networking site. Businesses and governments have joined individuals in using Facebook to promote activities, programs, projects, and events. This standard is designed for city departments looking to drive traffic to the city's website and to inform more people about city activities. These standards should be used in conjunction with the city's social media use policy. As Facebook changes these standards may be updated as needed.

~~B. Establishing a Page. When a department determines it has a business need for a Facebook account, it will submit a request to the city manager via the information technology committee. Once approved, the information technology committee will create the boilerplate business page for the department. Applications are not to be added to a city Facebook site without approval by the committee. All city provided branding images must meet city branding standards.~~

B. Establishing a Page. When a department determines it has a business need for a Facebook account, it will submit a request to the City Manager via the city clerk. Once approved, the city clerk will create the boilerplate business page for the department. Applications are not to be added to a city Facebook site without approval by the city clerk. All city provided branding images must meet city branding standards.

~~C. Content.~~

~~1. Type of Pages.~~

~~a. The city will create "pages" in Facebook, not "groups." Facebook pages offer distinct advantages including greater visibility, customization and measurability.~~

C. Content

1. Type of Pages.

~~a. The city will create "pages" in Facebook, not "groups." Facebook pages offer distinct advantages including greater visibility, customization, and measurability.~~

~~2. Boilerplate.~~

~~a. The information technology committee will standardize and provide the Facebook page's image, consisting of a picture and the city's logo.~~

2. Boilerplate

a. The city clerk will standardize and provide the Facebook page's image, consisting of a picture and the city's logo.

6. Page Administrators

~~a. A successful page requires "babysitting" by the designated department employee responsible for monitoring the Facebook page. Posts should be approved by the employee or a designated alternate.~~

a. A successful page requires frequent monitoring by the designated department employee responsible for monitoring the Facebook page. Posts should be approved by the employee or a designated alternate.

8. Style

~~a. City Facebook pages will be based on a template that includes consistent city branding. The information technology committee will provide departments with the template.~~

a. City Facebook pages will be based on a template that includes consistent city branding. The city clerk will provide departments with the template.

~~b. Departments will use proper grammar and standard AP style, avoiding jargon and abbreviations. Facebook is more casual than most other communication tools but still represents the city at all times.~~

b. Departments will use proper grammar and standard AP style, avoiding jargon and abbreviations. Facebook is more casual than most other communication tools but still represents the city.

9. Applications

~~b. An application should not be used unless it serves a business purpose, adds to the user experience, comes from a trusted source and is approved by the information technology committee.~~

b. An application should not be used unless it serves a business purpose, adds to the user experience, comes from a trusted source, and is approved by the city clerk.

D. Archive

~~1. Each Facebook page will be set up in conjunction with an information technology committee designated city email account.~~

1. Each Facebook page will be set up in conjunction with a designated city email account.

Palmer Municipal Code Section 4.80.005 Officials Letter of Reference is hereby amended as follows (new language is underlined and deleted language is stricken):

~~B. The letter must be consistent with the last three employee appraisals.~~

B. For current and former full- and regular part-time employees, the letter must be consistent with the last three employee appraisals.

~~C. Prior to the issuance of such a reference, the human resources specialist shall review and approve the contents of the letter. (Ord. 12-001 § 3, 2013)~~

C. Prior to the issuance of such a reference, the Human Resources Manager shall review and approve the contents of the letter. (Ord. 12-001 § 3, 2013)

D. Requests for employment verifications are to be completed only by the Human Resources Manager.

Palmer Municipal Code Section 4.90.005 Sexual Harassment Violates the Law is hereby amended as follows (new language is underlined and deleted language is stricken):

~~4.90.005 Sexual harassment violates the law.~~

4.90.005 Sexual Harassment and Other Discriminatory Harassment

~~A. Title VII of the Civil Rights Act of 1964, as amended, prohibits employment discrimination on the basis of race, color, sex, age or national origin. Sexual harassment is included among the prohibitions.~~

~~B. According to the United States Equal Employment Opportunity Commission (EEOC), sexual harassment consists of unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual or sex based nature when (1) submission to that conduct is made either explicitly or implicitly a term or a condition of an individual's employment; (2) an employment decision is based on an individual's acceptance or rejection of that conduct; or (3) that conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.~~

~~C. It also is unlawful to retaliate or take reprisals in any way against an employee who has articulated a good faith concern about sexual harassment or discrimination against him or her or against another individual.~~

~~D. Examples of conduct that would be considered sexual harassment or constitute retaliation are presented in PMC 4.90.010. These examples are provided to illustrate the kind of conduct proscribed by this chapter. This list is not exhaustive.~~

~~E. Sexual harassment is unlawful, and the prohibited conduct exposes not only the city, but also the individuals involved in that conduct, to significant liability under the law. Accordingly, the city is committed to enforcing this policy regarding sexual harassment at all levels within the city. Employees should treat other employees with respect and dignity in a manner that does not offend the sensibilities of a coworker in a manner prohibited by law. (Ord. 12-001 § 3, 2013)~~

A. The city is committed to enforcing these policies regarding harassment in all forms. Employees should treat other employees with respect and dignity in a manner that does not offend the sensibilities of a coworker in a manner prohibited by law. (Ord. 12-001 § 3, 2013)

B. The overall responsibility for administration of these regulations is the City Manager. All Department Directors and supervisors are responsible for immediately notifying the City Manager or Human Resources Manager as soon as they become aware of any prohibited practices.

1. Harassment: Unwanted communication and/or conduct by a supervisor, co-worker or non-employee in the workplace which adversely affects the employment relationship or working environment for the employee or applicant for employment and is based on the sex, race, religion, national origin, age, handicap, marital status, changes in marital status, pregnancy, or parenthood of that individual. Harassment may include slurs, abusive language, threats, derogatory comments, unwelcome jokes, teasing and other such verbal or physical conduct.

2. Sexual harassment: Addressed and defined by the U.S. Equal Employment Opportunity Commission in the Federal Guidelines on Discrimination Because of Sex published on November 10, 1980, and codified as 29 CFR Section 1604.11, sexual harassment is defined as follows:

a. “(a) Harassment on the basis of sex is violation of Sec. 703 of Title VII. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.”

C. Examples of conduct that would be considered sexual harassment or constitute retaliation are presented in PMC 4.90.010. These examples are provided to illustrate the kind of conduct proscribed by this chapter. This list is not exhaustive.

Palmer Municipal Code Section 4.90.010 Statement of Prohibited Conduct is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. Physical assaults of a sexual nature, such as:~~

A. Physical assaults of a sexual nature, may include but is not limited to:

~~B. Unwanted sexual advances, propositions or other sexual comments, such as:~~

~~1. Sexually oriented gestures, noises, remarks, jokes or comments about a person’s sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct is unwelcome in his or her presence;~~

~~2. Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward; and~~

~~3. Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee’s job more difficult because of the employee’s sex.~~

B. Unwanted sexual advances, propositions, or other sexual comments, may include but is not limited to:

1. Sexually oriented gestures, noises, remarks, jokes or comments about a person’s sexuality or sexual experience directed at or made in the presence of any individual who indicates or has indicated in any way that such conduct is unwelcome in his or her presence.

2. Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting, or attempting to solicit any individual to engage in sexual activity for compensation or reward; and

3. Subjecting, or threats of subjecting, an individual to unwelcome sexual attention or conduct or intentionally making performance of the individual’s job more difficult because of the individual’s sex.

~~C. Sexual or discriminatory displays or publications anywhere in the city’s workplace by city employees (except as may be done in the ordinary course of work), such as:~~

C. Sexual or discriminatory displays or publications anywhere in the city’s workplace by city employees such as:

~~2. Reading publicly or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic; and~~

2. Reading publicly or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning, or pornographic; or

~~D. Retaliation for sexual harassment complaints, such as:~~

~~1. Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted harassment, discrimination or retaliation; and~~

D. Retaliation for sexual harassment complaints, such as:

1. Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted harassment, discrimination, or retaliation; and

~~E. Other acts, such as:~~

~~1. The illustrations stated above are not to be construed as an all-inclusive list of prohibited acts under this chapter;~~

~~2. Sexual harassment is unlawful and hurts other employees. Moreover, each incident of harassment contributes to a general atmosphere in which all persons who share the victim's sex suffer the consequences. An employee who engages in sexual harassment will be made to bear the full responsibility for that unlawful act. (Ord. 12-001 § 3, 2013)~~

Palmer Municipal Code Section 4.90.020 Schedule of Penalties for Misconduct is hereby amended as follows (new language is underlined and deleted language is stricken):

~~The following schedule of penalties applies to all violations of this chapter. When progressive discipline is provided for, each instance of conduct violating the policy moves the offending employee through the steps of disciplinary action. In other words, it is not necessary for an employee to repeat the same precise conduct in order to move up the scale of discipline. A written record of each action taken pursuant to this chapter will be placed in the offending employee's and alleged victim's personnel files. The record will reflect the conduct or alleged conduct; the nature, scope and findings of the investigation; and the warning given or other discipline imposed.~~

The following schedule of penalties applies to all violations in this chapter. When progressive discipline is provided for, each instance of conduct violating the policy moves the offending employee through the steps of disciplinary action. In other words, it is not necessary for an employee to repeat the same precise conduct to move up the scale of discipline. A written record of each action taken pursuant to this chapter will be placed in the offending employee's personnel files.

A. Physical Assault of a Sexual Nature

~~2. An employee's intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body, will result in discipline at least as stringent as set forth in subsection (B) of this section, but may result in more stringent discipline up to and including dismissal for a first proven offense depending upon the severity of the misconduct.~~

2. An employee's intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, poking, or brushing against an individual's body, will result in discipline may result in discipline up to and including dismissal for a first offense depending upon the severity of the misconduct.

~~B. Other Acts of Harassment by an Employee. An employee's commission of acts of sexual harassment other than assault will result in nondisciplinary oral counseling on the alleged first offense; written warning, suspension or discharge on the first proven offense, depending on the nature or severity of the misconduct; and suspension or discharge on the second proven offense, depending on the nature or severity of the misconduct.~~

B. Retaliation. Any form of retaliation will result in disciplinary action up to and including discharge.

~~C.—Retaliation. Alleged retaliation against a sexual harassment complainant will result in nondisciplinary oral counseling. Any form of proven retaliation will result in suspension or discharge on the first proven offense, depending on the nature and severity of the retaliatory acts, and discharge on the second proven offense.~~

~~D.—Supervisors. A supervisor’s commission of acts of sexual harassment (other than assault) with respect to any other employee under that person’s supervision will result in non-disciplinary oral counseling on the alleged first offense; final warning or discharge for the first proven offense, depending on the nature and severity of the misconduct; and discharge for any subsequent offense. (Ord. 12-001 § 3, 2013)~~

Palmer Municipal Code Section 4.90.030 Procedures for Making, Investigating and Resolving Sexual Harassment and Retaliation Complaints is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A.—Complaints.~~

~~1. An employee may make a sexual harassment complaint to the employee’s supervisor, department director or to the personnel officer. The purpose of having several persons to whom complaints may be made is to avoid a situation in which an employee is faced with complaining to the person, or a close associate of the person, who would be the subject of the complaint.~~

A. Complaints.

1. An individual may make a sexual harassment complaint to the employee’s supervisor, Department Director or to the Human Resources Manager. The purpose of having several people to whom complaints may be made is to avoid a situation in which an employee is faced with complaining to the person, or a close associate of the person, who would be the subject of the complaint.

~~2.—Complaints of acts of sexual harassment or retaliation that are in violation of this sexual harassment chapter will be accepted in writing or orally, and anonymous complaints will be taken seriously and investigated. Anyone who has observed sexual harassment or retaliation should report it to the employee’s supervisor, department director or to the personnel officer. A complaint need not be limited to someone who was the target of harassment or retaliation.~~

2. Complaints of acts of sexual harassment or retaliation that are in violation of this sexual harassment chapter will be accepted in writing. Anonymous complaints will be taken seriously and investigated. However, the city has a responsibility to ensure a safe work environment free of harassment for all employees. Therefore, anonymity is not guaranteed. Anyone who has observed sexual harassment or retaliation should report it to the employee’s supervisor, Department Director or to the Human Resources Manager. A complaint need not be limited to someone who was the target of harassment or retaliation.

~~3.—Only those who have an immediate need to know, including the investigative officer(s) and/or designee, the personnel officer, the city manager, the city attorney, the alleged target of harassment or retaliation, the alleged harassers or retaliators, and any witnesses, may find out the identity of the complainant. All parties contacted in the course of an investigation will be advised that all parties involved in a charge are entitled to respect, and that any retaliation or reprisal against an individual who is an alleged target of harassment or retaliation, who has made a complaint, or who has provided evidence in connection with a complaint is a separate actionable offense as provided in the schedule of penalties.~~

3. Only those who have an immediate need to know may be advised of the identity of the complainant or alleged harasser. All parties contacted during an investigation will be advised that all parties involved in a charge are entitled to respect, and that any retaliation or reprisal against an individual who is an alleged target of harassment or retaliation, who has made a complaint, or who has provided evidence in connection with a complaint is a separate actionable offense as provided in the schedule of penalties.

~~4. Upon receipt of a complaint, a supervisor and a department director shall immediately notify the personnel officer; provided, however, if a complaint is against the personnel officer, a supervisor and a department director shall immediately notify the city attorney.~~

4. Upon receipt of a complaint, a supervisor and a Department Director shall immediately notify the Human Resources Manager. However, if a complaint is against the Human Resource Manager, a supervisor and a Department Director shall immediately notify the city attorney.

~~5. The personnel officer shall investigate the complaint and may appoint investigative officers to assist with the investigation. If the personnel officer is the subject of the complaint, the city attorney shall investigate the complaint and may appoint investigative officers to assist with the investigation.~~

5. The Human Resources Manager shall investigate the complaint and may appoint investigative officers to assist with the investigation. If the Human Resources Manager is the subject of the complaint, the city attorney shall investigate the complaint and may appoint investigative officers to assist with the investigation.

B. Investigations

~~2. When a complaint is made, the personnel officer will have the duty of immediately bringing the complaint to the confidential attention of the city manager.~~

2. When a complaint is made, the Human Resources Manager will have the duty of immediately bringing the complaint to the confidential attention of the City Manager.

~~3. All complaints will be investigated expeditiously by the personnel officer (or city attorney) and that person will produce a written report which, together with the investigation file, will be shown to the complainant on request within a reasonable time. The investigative officer is empowered to recommend remedial measures based on the results of the investigation, and the personnel officer will promptly consider and act on that recommendation.~~

3. All complaints will be investigated expeditiously by the Human Resources Manager (or city attorney) and that person will produce a written report which, together with the investigation file, will be shown to the complainant on request within a reasonable time. The investigative officer is empowered to recommend remedial measures based on the results of the investigation, and the Human Resources Manager will promptly consider and act on that recommendation.

Palmer Municipal Code Section 4.90.040 Imposition of Remedial Action is hereby amended as follows (new language is underlined and deleted language is stricken):

~~For handling sexual harassment matters that involve employees (to include "volunteers"), the personnel officer shall have the powers of a department director and shall follow the procedures set out for a department director to impose adverse action as stated in PMC 4.50.050. The employee subject to a sexual harassment claim shall have the rights set forth in PMC 4.50.060 and 4.50.070. For handling sexual harassment matters that involve customers and third parties of the city, the personnel officer may make recommendations to the city manager, who shall then act to resolve the complaint. (Ord. 12-001 § 3, 2013)~~

A. For handling sexual harassment matters that involve employees (to include "volunteers"), the Human Resources Manager shall have the powers of a Department Director and shall follow the procedures set out for imposition of adverse action as stated in PMC 4.50.050. The employee subject to a sexual harassment claim shall have the rights set forth in PMC 4.50.060. For handling sexual harassment matters that involve customers and third parties of the city, the Human Resources Manager may make recommendations to the City Manager, who shall then act to resolve the complaint. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.90.050 Procedures and Rules for Education and Training is hereby amended as follows (new language is underlined and deleted language is stricken):

~~2. The city manager's letter will be conspicuously posted along with the Alaska Human Rights Commission's poster on sexual harassment throughout the workplace and in each department: on each city bulletin board, in all central gathering areas, and in every locker room.~~

2. The City Manager's letter will be conspicuously posted along with the Alaska Human Rights Commission's poster on sexual harassment throughout the workplace and in each department.

Palmer Municipal Code Section 4.100.005 Harassment and Discrimination Policy is hereby amended as follows (new language is underlined and deleted language is stricken):

B. Harassment is a form of discrimination. As with discrimination, there are different types of harassment, including unwelcome behavior by a co-worker, manager, client, or anyone else in the workplace, that is based on race, color, religion, sex (including pregnancy), nationality, age (40 or older), disability, or genetic information.

Palmer Municipal Code Section 4.100.010 Harassment is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. Harassment:~~

- ~~1. Is the conduct or actions, based on race, religion, sex, national origin, age, disability, military membership or veteran status, sexual orientation, gender identity, physical characteristics, marital/domestic status, family status, pregnancy, political affiliation, medical/criminal record, psychiatric treatment, occupation, citizenship status, personal appearance, status in receipt of public assistance, and is severe or pervasive enough to create a hostile, abusive, or intimidating work environment for a reasonable person.~~
 - ~~2. Is engaging in a course of comments or conduct that is known or ought reasonably to be known as unwelcome.~~
 - ~~3. Can make one feel uncomfortable, embarrassed, offended, or intimidated.~~
- ~~B. This behavior could range from posting offensive pictures, verbal taunts to physical assault.~~
- ~~C. This behavior could happen once or many times over a period of time. (Ord. 12-001 § 3, 2013)~~

A. Harassment:

Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA).

1. Harassment is unwelcome conduct that is based on race, color, religion, sex (including sexual orientation, gender identity, or pregnancy), national origin, older age (beginning at age 40), disability, or genetic information (including family medical history). Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.
2. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.
3. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets, or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:
4. The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.

- 5. The victim does not have to be the person harassed but can be anyone affected by offensive conduct.
- 6. Unlawful harassment may occur without economic injury to, or discharge of, the victim.

Palmer Municipal Code Section 4.100.020 Discrimination is hereby amended as follows (new language is underlined and deleted language is stricken):

Discrimination:

- ~~A. Refers to practices or attitudes that have, whether by design or impact, the effect of limiting an individual's or a group's rights.~~
- ~~B. It is intolerant behavior towards individuals or groups.~~
- ~~C. The intolerant behavior may be direct (e.g., denying people access to jobs/promotions based on their color, nationality, dress, etc.) or systematic (e.g., denying someone a job because of culturally biased testing).~~
- ~~D. May come from an individual or through systems and attitudes within the city.~~
- ~~E. Is any policy or action taken related to recruiting, hiring, promotion, pay or training practices that result in an unfair disadvantage to either an individual or group of individuals who are considered part of a protected class. (Ord. 12-001 § 3, 2013)~~

A. Discrimination:

Employment discrimination generally exists where an employer treats an applicant or employee less favorably merely because of a person's race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, status as a parent or protected veteran. Employment discrimination can be against a single person or a group.

Palmer Municipal Code Section 4.100.040 Retaliation is hereby amended as follows (new language is underlined and deleted language is stricken):

~~The city of Palmer forbids any director, manager, supervisor, or employee from treating any other employee or applicant adversely for reporting discrimination or harassment, for assisting another employee or applicant in making a report, for cooperating in a discrimination or harassment investigation, or for filing a grievance. All employees who experience or witness any conduct they believe to be retaliatory should immediately notify their supervisor, director, or the personnel officer. (Ord. 12-001 § 3, 2013)~~

A. The City of Palmer forbids any director, manager, supervisor, or employee from treating any other employee or applicant adversely for reporting discrimination or harassment, for assisting another employee or applicant in making a report, for cooperating in a discrimination or harassment investigation, or for filing a grievance. All employees who experience or witness any conduct they believe to be retaliatory should immediately notify their supervisor, director, or the Human Resources Manager. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.100.050 Employee Responsibility is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. All city employees will help assure that our workplace is free from prohibited discrimination, harassment, or retaliation.~~

A. All city employees will help ensure that our workplace is free from prohibited activities.

~~D. Every employee shall immediately report it to their direct supervisor or in the event it is their supervisor, or their supervisor does not act on the report, then they are to report it to the personnel officer. (Ord. 12-001 § 3, 2013)~~

D. Every employee shall immediately report it to their direct supervisor or in the event it is their supervisor, or their supervisor does not act on the report, then they are to report it to the Human Resources Manager. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.100.060 Employer Responsibility is hereby amended as follows (new language is underlined and deleted language is stricken):

~~The city will investigate all reports promptly. All reports will be taken seriously. If it is determined that the policy was violated then appropriate corrective measures will be taken. During the investigation and in imposing discipline, if necessary, the city will attempt to preserve confidentiality. (Ord. 12-001 § 3, 2013)~~

A. The city will investigate all reports promptly. All reports will be taken seriously. If it is determined that the policy was violated, then appropriate corrective measures will be taken. During the investigation and in imposing discipline, if necessary, the city will attempt to preserve confidentiality. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.100.070 Imposition of Remedial Action is hereby amended as follows (new language is underlined and deleted language is stricken):

~~For handling harassment and discrimination matters, the department director, personnel officer or designee shall follow the procedures set out in PMC 4.50.050 and 4.50.070. The employee subject to a harassment and discrimination claim shall have the rights set forth in PMC 4.50.060 and 4.50.080. For handling harassment and discrimination matters that involve customers and third parties of the city, the personnel officer may make recommendations to the city manager, who shall then act to resolve the complaint. (Ord. 12-001 § 3, 2013)~~

A. For handling harassment and discrimination matters, the Human Resources Manager or designee shall follow the procedures set out in PMC 4.50.050. The employee subject to a harassment and discrimination claim shall have the rights set forth in PMC 4.50.060. For handling harassment and discrimination matters that involve customers and third parties of the city, the Human Resources Manager may make recommendations to the City Manager, who shall then act to resolve the complaint. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Chapter 4.110 Drug Free Workplace Policy is hereby amended as follows (new language is underlined and deleted language is stricken):

- ~~4.110.005 — Purpose and goal.~~
- ~~4.110.010 — Applicability.~~
- ~~4.110.020 — Drug free workplace.~~
- ~~4.110.030 — Employer responsibility.~~
- ~~4.110.040 — Employee alcohol and controlled substances testing.~~

- 4.110.005 Purpose and Goal
- 4.110.010 Applicability
- 4.110.020 Drug Free Workplace
- 4.110.030 Substance Abuse Professional
- 4.110.040 Access to Testing
- 4.110.050 Training for Supervisors

Palmer Municipal Code Section 4.110.005 Purpose and Goal is hereby amended as follows (new language is underlined and deleted language is stricken):

~~The city of Palmer is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. It is recognized that alcohol abuse and drug use pose a significant threat to our goals. The city of Palmer has established a drug free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug free environment. The city encourages employees to voluntarily seek help with drug and alcohol problems. (Ord. 12-001 § 3, 2013)~~

A. The City of Palmer is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. It is recognized that alcohol abuse and drug use pose a significant threat to our goals. The city of Palmer has established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment. The city encourages employees to voluntarily seek help with drug and alcohol problems. (Ord. 12-001 § 3, 2013)

The city will establish a drug-free awareness program to inform employees about:

1. The dangers of drug abuse in the workplace.
2. The city's policy of maintaining a drug-free workplace.
3. The availability of drug counseling, rehabilitation, and employee assistance programs.
4. The penalties that the city may impose for drug abuse violations occurring in the workplace.

B. A drug free workplace is necessary:

1. To provide and maintain a safe, healthy working environment for all City employees.
2. To safeguard the reputation of the city and its employees as good, responsible citizens worthy of the trust of the people, businesses, and agencies for whom they provide services.
3. To reduce the incidence of accidental injury to person or property; and
4. To reduce absenteeism, tardiness, and poor job performance.

C. State and Federal Grants/Notification of Convictions

1. Every city employee shall be provided with a copy of this policy and shall abide by the terms of this policy. Every employee shall provide notice to the city, through the Human Resources Department, of any conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction. Employees reporting such convictions may be disciplined, up to and including termination and/or may be required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by the city.

D. Employee Assistance Program

1. Any employee who feels that he or she has developed an addiction to, dependence on or problem with alcohol or drugs, legal or illegal, is encouraged to seek assistance. Assistance may be sought by calling the Employee Assistance Provider in confidence. Contact Human Resources if you need information. Each request for assistance is handled in confidence by the staff of the Employee Assistance Provider. All referrals to treatment centers or organizations are made in strict confidence by the agency. NO INFORMATION IS GIVEN TO THE CITY ON CALLS MADE BY CITY EMPLOYEES TO THE EMPLOYEE ASSISTANCE PROVIDER OR REFERRALS MADE BY THE EMPLOYEE ASSISTANCE PROVIDER TO TREATMENT CENTERS.

Palmer Municipal Code Section 4.110.010 Applicability is hereby amended as follows (new language is underlined and deleted language is stricken):

~~Any individual who conducts business for the city, applies for a position or conducts business on the city's property is covered by the drug-free workplace policy. The policy includes, but is not limited to, all employees, contractors, volunteers, interns, and applicants. (Ord. 12-001 § 3, 2013)~~

A. It is the policy of the City of Palmer that its commercially-licenses drivers be free from substance abuse and alcohol abuse. Consequently, the use of illegal drugs by drivers is prohibited. Further, drivers shall not use alcohol to engage in "prohibited conduct" as defined herein. The overall goal of this policy is to ensure a workplace free of drug-and alcohol.

B. The city prohibits the unlawful manufacture, distribution, dispensing, possession or use by an employee a controlled substances as defined in Schedule I through V of Section 202 of the Controlled Substances Act (21 USC 812), and as further defined by policy 21 CFR 1308.11-1308.15 is prohibited in any workplace of the city.

C. Any individual who conducts business for the city, applies for a position or conducts business on the city's property is covered by the drug-free workplace policy. The policy includes, but is not limited to, all employees, contractors, volunteers, interns, and applicants. (Ord. 12-001 § 3, 2013)

D. Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the City. Therefore, this policy applies during all working hours, whenever conducting business or representing the City, while on call, or on paid standby.

Palmer Municipal Code Section 4.110.020 Drug-Free Workplace is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. The city prohibits the unlawful manufacture, distribution, dispensing, possession, or use by an employee of a controlled substance as defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812), and as further defined by policy at 21 CFR 1308.11—1308.15 is prohibited in any workplace of the city.~~

~~B. All employees will abide by the terms of this policy as a condition of their employment and will notify the city of any criminal drug statute conviction for a violation occurring in the workplace no later than five working days after the conviction. Within two business days of receiving the notice of conviction, the city will take appropriate personnel action against the employee as prescribed by this title, up to and including termination.~~

~~C. The city must provide a statement to notify employees of this policy and to establish a drug-free awareness program to inform employees about: the dangers of drug abuse in the workplace; the city's policy of maintaining a drug-free workplace; any available drug counseling, rehabilitation, and the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.~~

~~D. Each employee will be provided a copy of this policy. (Ord. 12-001 § 3, 2013)~~

A. It is the policy of the City to provide a work environment that is free from the use, consumption, sale, distribution, or possession of controlled or illegal substances or alcohol. An employee is required to report to work in appropriate mental and physical condition to perform their job to deliver service in a safe, efficient, and conscientious manner.

B. Procedure/Rule

1. This policy is applicable to all employees of the City. City positions requiring a commercial driver's license (CDL) are also subject to specific regulations by the U.S. Department of Transportation (DOT) and Federal Motor Carrier Safety Administration (FMCSA), 49 C.F.R. Parts 40 and 382, as amended. To the extent of any conflict between this policy and the federal regulations, the federal regulations shall control as to such employees. Employees are encouraged to contact the Human Resources Department with any questions regarding these federal regulations.

C. Prohibited Conduct. An employee of the city is prohibited from engaging in the following conduct while on the job:

1. Using, purchasing, possessing, selling, or otherwise distributing prohibited drugs.

2. Reporting to work during normal working hours, including reporting from lunch or break, or remaining on the job while under the influence of any prohibited drug. Being under the influence is defined as having a blood alcohol concentration of .02 or more, or the state of not having the normal use of mental or physical faculties by reason of the introduction into the body of a Prohibited Drug.

3. Employees holding a CDL required for their positions are further prohibited from using prohibited drugs while on-call or within the four hours prior to reporting for work requiring performance of a safety-sensitive function.

4. Exposure. Employees who believe they have been exposed to a prohibited drug during the performance of their duties will immediately report it to their supervisor.

5. Use of Prescription or Over-The-Counter Drugs. The legal, authorized and intended use of prescribed drugs or over-the-counter medication is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger others. An employee shall advise their supervisor if the employee is taking a prescription or over-the-counter drug that may adversely affect the employee's ability to safely perform the functions of their position. It is the employees' responsibility to ascertain from their physician whether the prescription drug can or is likely to have an adverse impact on the employee's performance of their duties. If the medically approved and appropriate use of a prescription drug or over-the-counter drug adversely affects the employee's work performance or the safety of the employee or

others, the City reserves the right to limit, suspend or modify the employee's work activity, or otherwise reasonably mitigate such adverse effect or risk.

D. Testing

1. Pre-employment. All applicants who receive a conditional offer of employment are required to take a pre-employment drug test. A positive drug result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment. An employee who transfers into a position which requires a CDL shall be tested before the employee performs any safety-sensitive function. If an applicant fails a pre-employment drug test, he/she will be prohibited from applying for a position with the city for a period of 6 months.

2. Reasonable Suspicion. Any time reasonable suspicion exists that an employee may have violated the provisions of this policy, the City may require the employee to submit to drug or alcohol testing, which may consist of chemical analysis of one or more of the following substances: blood, breath and or urine.

a. Reasonable suspicion shall mean suspicion based upon observation and/or fact, which would lead a reasonably prudent person to believe it is likely that the employee in question is under the influence of prohibited drugs or prescription or over the counter drugs which have an adverse effect on the employee's performance or behavior.

b. A supervisor shall immediately report any unusual or impaired behavior by an employee believed to be under the influence of illegal drugs or alcohol to the Department Director or designee and the Human Resources Department. An employee shall immediately report to their supervisor any unusual or impaired behavior by an employee believed to be under the influence of illegal drugs or alcohol. A trained Human Resources representative or selected trained managerial staff shall determine whether the employee should be examined by a physician and/or tested for drugs and/or alcohol. Unusual behavior or appearance includes the following, but is not limited to:

o Slurred speech.

o Unusual drowsiness, irritability, or jumpiness;

o Odor of alcoholic beverage or illegal drug on or about the person, including on their breath.

o Inability to concentrate or complete tasks.

o Overall disorientation.

o Physical impairment.

o Pattern or repetitive series of accidents; and/or discovery of drug paraphernalia or detectable amount of prohibited drug in employee's possession or area of control.

c. When it is determined by Human Resources or trained managerial staff that reasonable suspicion exists, the employee will be required to stop working and asked to submit to a drug and/or alcohol test. The supervisor or designated person will drive the employee to a city approved testing site. Under no circumstances will the employee be allowed to drive. The supervisor or designated person shall stay with the employee being tested and upon returning to the worksite, shall arrange for the employee to be driven home. Employees asked to submit to an alcohol drug test will be placed on administrative leave with pay until results are made available.

d. A written record of the observations leading to a determination of reasonable suspicion shall be made within 24 hours of the observations and signed by the supervisor or employee making such observations.

3. Post-Accident Drug Testing.

a. For CDL operators, the DOT requires that any time a post-accident drug or alcohol test is required, it must be performed as soon as possible following the accident. If a test is not administered within two hours, the responsible supervisor must report the reasons why, in writing, to the Human Resources Manager. Attempts to collect a breath sample are to cease in instances where alcohol collection cannot be made within 8 hours. Attempts to collect urine samples are to cease in instances where urine collection cannot be completed for purposes of post-accident testing within 32 hours.

b. A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the city to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

Type of Accident Involved	Citation Issued to the CDL Driver	Test Must Be Performed by Employer
Human Fatality:	YES	YES
	NO	YES
<u>Bodily injury with immediate medical treatment away from the scene:</u>	YES	YES
	NO	NO
<u>Disabling damage to any motor vehicle requiring tow away:</u>	YES	YES
	NO	NO

c. The city shall provide CDL drivers with necessary post-accident information, procedures, and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of this section.

1. The results of a breath or blood test for the use of alcohol, conducted by federal, state, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable federal, state, or local alcohol testing requirements, and that the results of the tests are obtained by the city.

2. The results of a urine test for the use of controlled substances, conducted by federal, state, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable federal, state, or local controlled substances testing requirements, and that the results of the tests are obtained by the city.

4. Random Drug Testing

a. Employees holding a CDL required for their position or whose positions are deemed safety sensitive will be subject to random Drug and Alcohol testing without advance notice.

b. Twenty-five percent (25%) of the number of employees holding positions deemed "Safety Sensitive" will be randomly tested for drugs annually. Ten percent (10%) of the number of employees holding positions deemed "Safety Sensitive" will be randomly tested for alcohol annually. An employee selected will be notified by the Human Resources Department and his/her supervisor/Department Director at any time before, during, or after the employees work shift. The selected employee will undergo the City's Drug and Alcohol Testing immediately following such notification. Employees will be selected for random Drug Testing using a random selection computer program and administered by a third-party vendor.

c. Additional Provisions for Employees Holding Required CDLs. The following shall apply only to an employee holding a CDL required for their position:

1. Return-to-Duty Testing. The City will test any employee returning to duty after a violation of any provision of this policy and completion of any required substance abuse professional evaluation, referral, and/or education/treatment process, in accordance with FMSCA regulations.

2. Follow-Up Testing. The City will perform follow-up testing of any employee returning to duty under this section who has been identified by a substance abuse professional as needing further assistance, in accordance with FMSCA regulations.

3. All tests pursuant to this policy of employees holding a CDL required for their positions shall comply with all FMSCA standards and procedures.

F. Failure or Refusal to Submit to Testing. Failure or refusal of an employee to submit to drug or alcohol testing as required by this policy shall be grounds for disciplinary action, up to and including termination of employment. An employee holding a CDL required for their position who fails to submit to required testing shall immediately be prohibited from performing safety-sensitive functions or driving a City motor vehicle.

1. Tampering with Specimen. Employees found to have tampered with the specimen will be subject to disciplinary action up to and including termination.

G. Employee Assistance Program. The City encourages employees to voluntarily seek assistance for an alcohol or drug problem before the problem manifests itself in a violation of this Policy. Inquiries about assistance will

be kept confidential and shall be disclosed only to those people with a legitimate business who need to know the information. Employees who voluntarily seek treatment BEFORE being asked to submit to an alcohol and /or drug test will not be disciplined and will be given the opportunity to complete rehabilitation. [Employees involved in law enforcement activities who come forward with current or past use of illegal drugs may be subject to disciplinary action or termination under this subsection at the discretion of the Chief of Police, who will consider the recentness of the illegal drug use.]

H. An employee who is being treated for an alcohol or other drug problem may be placed on medical leave of absence by the City, and shall be subject to all rules, policies, and procedures governing such leaves of absence. These guidelines apply only to one requested leave of absence. Any request for an additional leave of absence under the Employee Assistance Program shall be handled on a case-by-case basis and granted only at the sole discretion of the City, and as permitted by law.

I. Consequences of Violation. The City shall consider any violation of this policy to constitute severe misconduct and shall take appropriate disciplinary action against an employee who violates this policy, up to and including termination from employment.

J. Definitions.

1. Medical Review Officer: A licensed physician responsible for receiving laboratory results generated by the City's Drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's verified positive test results together with their medical history and any other relevant biomedical information.

2. Prohibited Drug: (i) prescription drugs or over-the-counter drugs that are not being used as intended, or which were obtained under false pretenses; (ii) prescription drugs that were not prescribed to the affected employee by a licensed physician; (iii) illegal drugs; (iv) inhalants; and (v) alcoholic beverages.

3. Safety Sensitive: Title 49 of the Code of Federal Regulations Part 382 (Controlled Substances and Alcohol Use and Testing) defines "safety-sensitive function" as "all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include: 1) All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer; 2) All time inspecting equipment as required by § § 392.7 and 392.8 of this subchapter or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time; 3) All time spent at the driving controls of a commercial motor vehicle in operation; 4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in sleeper berth (a berth conforming to the requirements of § 393.76 of this chapter) 5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and 6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

4. Tampering: Includes but is not limited to, diluting the specimen with water, adding any other substance to the specimen, or substituting specimens. Possession of a specimen when an employee or applicant reports to the laboratory shall constitute tampering.

5. Testing: Includes analysis of a specimen, which can include blood, breath, or urine.

Palmer Municipal Code Section 4.110.030 Employer Responsibility is hereby amended as follows (new language is underlined and deleted language is stricken):

~~4.110.030~~ — ~~Employer responsibility.~~

~~The following steps will be taken to provide a drug-free workplace.~~

~~A. The city will publish a statement notifying employees that the violation of such prohibition will subject them to appropriate disciplinary action.~~

~~B. The city will establish a drug-free awareness program to inform employees about:~~

~~1. The dangers of drug abuse in the workplace;~~

~~2. The city's policy of maintaining a drug-free workplace;~~

~~3. The availability of drug counseling and rehabilitation programs;~~

~~4. The penalties that the city may impose for drug abuse violations occurring in the workplace.~~

- ~~C. As a condition of employment, each employee shall abide by the terms of the city's drug free workplace policy.~~
- ~~D. The city will take disciplinary action up to and including termination against an employee who violates this title.~~
- ~~E. Violations of this title which are also violations of federal or state law may be referred to the appropriate agencies. In such situations, cases may proceed concurrently at the city and in the criminal justice system.~~
- ~~F. As a condition of employment, each employee shall notify the human resources office in writing of any conviction for a violation of a criminal drug statute no later than two business days after such conviction.~~
- ~~1. Within five calendar days after the city learns of a conviction, the city shall initiate personnel action as prescribed in subsection (D) of this section. (Ord. 12-001 § 3, 2013)~~

4.110.030 Substance Abuse Professionals

- A. The city will provide each employee, including an applicant or new employee who violates a DOT drug and alcohol policy, a listing of substance abuse professionals (SAP) readily available to the employee with names, addresses, and phone numbers.
- B. The city is not required to provide a substance abuse professional's (SAP) evaluation or any subsequent recommended education or treatment for an employee who has violated a DOT drug and/or alcohol policy.
- C. Payment for substance abuse professional's (SAP) evaluations is the responsibility of the employee. The employee must undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.04 or, if the prohibited conduct involved a controlled substance, a return-to-duty controlled substance test with a result indicating a verified negative result for controlled substance use. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.110.040 Employee Alcohol and Controlled Substance Testing is hereby amended as follows (new language is underlined and deleted language is stricken):

~~4.110.040 Employee alcohol and controlled substances testing.~~

- ~~A. The city will at a minimum provide for the establishment of alcohol and controlled substances testing programs as required by law; the imposition of penalties on employees when tests exceed allowable levels; compliance with reporting and record keeping requirements; dissemination to affected employees of educational materials explaining the legal requirements, this policy; and provide for appropriate staff and supervisor training.~~
- ~~B. All employees subject to laws mandating alcohol and controlled substances testing will comply with such laws and this policy as a condition of their employment. (Ord. 12-001 § 3, 2013)~~

4.110.040 Access to Test Results

A driver is entitled, upon written request, to obtain copies of records pertaining to the employee's alcohol or controlled substances test results. (Ord. 12-001 § 3, 2013)

4.110.050 Training for Supervisors

A. The city shall ensure that all people designated to supervise drivers will receive at least the minimum training required by the FMSCA.

B. This training will be used by the supervisors to determine whether reasonable suspicion exists to require employee drivers to undergo testing.

C. The training shall include the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances; recurrent training is not required. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Chapter 4.120 Alcohol and Controlled Substance Definitions and Testing is hereby amended as follows (new language is underlined and deleted language is stricken):

Chapter 4.120

~~ALCOHOL AND CONTROLLED SUBSTANCE DEFINITIONS AND TESTING~~

Sections:

~~4.120.005 — Definitions.~~

~~4.120.020 — Prohibitions.~~

~~4.120.030 — Pre-employment testing.~~

~~4.120.040 — Reasonable suspicion testing — Alcohol.~~

~~4.120.050 — Reasonable suspicion testing — Controlled substances.~~

~~4.120.060 — Required observations.~~

~~4.120.070 — Required observations — Alcohol — Timeframe.~~

~~4.120.075 — Test not administered following reasonable suspicion determination — Alcohol.~~

~~4.120.080 — Reporting to work or remaining on duty while impaired prohibited.~~

~~4.120.090 — Action based on employee behavior prohibited.~~

~~4.120.100 — Written record required.~~

~~4.120.110 — Post-accident testing.~~

~~4.120.120 — Alcohol test not administered following an accident.~~

~~4.120.130 — Controlled substance test not administered following an accident.~~

~~4.120.140 — Employee availability for testing.~~

~~4.120.150 — Test results — Alcohol.~~

~~4.120.160 — Test results — Controlled substances.~~

~~4.120.170 — Exceptions.~~

~~4.120.190 — City notification obligations.~~

~~4.120.200 — Testing procedures.~~

~~4.120.210 — Employee refusal to submit to a required alcohol or controlled substance test.~~

~~4.120.220 — Positive test.~~

~~4.120.230 — Access to test results.~~

~~4.120.240 — Records retention.~~

~~4.120.250 — Training for supervisors.~~

~~4.120.260 — Employee admission of alcohol and controlled substances use.~~

~~4.120.270 — Self-identification program.~~

~~4.120.280 — Reoccurrences of alcohol or controlled substance misuse.~~

~~4.120.005 — Definitions.~~

For purposes of this title, the following definitions apply:

A. ~~“Alcohol” means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.~~

B. ~~“Alcohol use” means the drinking or swallowing of any beverage, liquid mixture, or preparation, including any medication, containing alcohol.~~

C. ~~“Alcohol concentration” (or content) is the alcohol in a volume of breath or blood.~~

D. ~~“Commerce” means:~~

~~1. Any trade, traffic or transportation within the jurisdiction of the United States between a place in a state and a place outside of such state, including a place outside of the United States; and~~

~~2. Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in subsection (D)(1) of this section.~~

E. ~~“Commercial motor vehicle” or “CMV” means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:~~

1. ~~Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or~~
 2. ~~Has a gross vehicle weight rating of 26,001 or more pounds; or~~
 3. ~~Is designed to transport 16 or more passengers, including the driver; or~~
 4. ~~Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 USC 5103(b)) and which require the motor vehicle to be placarded under hazardous materials regulations (49 CFR part 172, subpart F).~~
- F. ~~“Confirmation (or confirmatory) drug test” means a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or metabolite.~~
- G. ~~“Confirmation (or confirmatory) validity test” means a second test performed on a urine specimen to further support a validity test result.~~
- H. ~~“Confirmed drug test” means a confirmation test result received by a medical review officer (MRO) from a laboratory.~~
- I. ~~“Consortium/third party administrator (C/TPA)” means a service agent that provides or coordinates one or more drug and/or alcohol testing services to the city. C/TPAs typically provide or coordinate the provision of a number of such services and perform administrative tasks concerning the operation of the employers’ drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the city’s drug and alcohol testing programs of its members (e.g., having a combined random testing pool). C/TPAs are not “employers” for purposes of this chapter.~~
- J. ~~“Controlled substance” includes, but is not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine.~~
- K. ~~“Designated employer representative (DER)” is an individual identified by the employer as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from their duties and to make required decisions in the testing and appraisal processes.~~
- L. ~~“Disabling damage” means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.~~
1. ~~Inclusions. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.~~
 2. ~~Exclusions.~~
 - a. ~~Damage which can be remedied temporarily at the scene of the accident without special tools or parts.~~
 - b. ~~Tire disablement without other damage even if no spare tire is available.~~
 - c. ~~Headlight or taillight damage.~~
 - d. ~~Damage to turn signals, horn, or windshield wipers which make them inoperative.~~
- M. ~~“Driver” means any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, part time, seasonal, temporary, on call drivers, leased drivers and independent owner operator contractors.~~
- N. ~~“Licensed medical practitioner” means a person who is licensed, certified, or registered, in accordance with applicable federal, state, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.~~
- O. ~~“Medical review officer (MRO)” is a person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by the city’s drug testing program and evaluating medical explanations for certain drug test results.~~
- P. ~~“Positive rate for random drug testing” means the number of verified positive results for random drug tests conducted under this chapter plus the number of refusals of random drug tests required by this chapter, divided by the total number of random drug test results (i.e., positives, negatives, and refusals).~~
- Q. ~~“Refuse to submit (to an alcohol or controlled substances test)” means that an employee:~~
1. ~~Fails to appear for any test (except a pre-employment test) within two hours of having been directed to do so by the city;~~
 2. ~~Fails to remain at the testing site until the testing process is complete;~~
 3. ~~Fails to provide a urine specimen for any drug test required by this title;~~
 4. ~~In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver’s provision of a specimen;~~

5. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
6. Fails or declines to take a second test the employer or collector has directed the employee to take;
7. Fails to undergo a medical examination or evaluation, as directed by the medical review officer (MRO) as part of the verification process, or as directed by the designated employer representative (DER). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
8. Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
9. Is reported by the medical review officer (MRO) as having a verified adulterated or substituted test result.

R. "Screening test (or initial test)" means:

1. In drug testing, a test to eliminate "negative" urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs;
2. In alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath, saliva, or blood specimen.

S. "Stand-down" means the practice of temporarily removing an employee from the performance of his or her job duties based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results.

T. "Substance abuse professional" means a licensed physician or a licensed or certified psychologist, social worker, employee assistance professional, a state licensed or certified marriage and family therapist or drug and alcohol counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC)) or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC); or by the National Board for Certified Counselors, Inc., and Affiliates/Master Addictions Counselor (NBCC) with knowledge about and clinical experience in the diagnosis and treatment of alcohol and controlled substances related disorders.

U. "Violation rate" for random alcohol testing means the number of 0.02 and above random alcohol confirmation test results conducted under this chapter plus the number of refusals of random alcohol tests required by this chapter, divided by the total number of random alcohol screening tests (including refusals). (Ord. 12-001 § 3, 2013)

4.120.020 — Prohibitions:

A. An employee shall not:

1. Report for duty or remain on duty having an alcohol concentration of 0.02 or greater;
2. Report for duty within four hours of using alcohol or controlled substances;
3. Use alcohol or controlled substance while on duty, including during breaks or meals;
4. Possess alcohol or controlled substances while on duty, including during breaks or meals;
5. Use alcohol for eight hours following an accident, or until the employee undergoes a post-accident alcohol or controlled substance test, whichever occurs first;
6. Refuse to take an alcohol or controlled substance test when ordered by the city;
7. Report for duty or remain on duty using any drug or substance, identified in 21 CFR 1308.11 Schedule I;
8. Report for duty or remain on duty using any non-Schedule I drug or substance that is identified in the other schedules in 21 CFR 1308 except when the use is a licensed medical practitioner, as defined in this chapter, who is familiar with the employee's medical history and has advised the employee that the substance will not adversely affect the employee's ability to safely perform their work functions;
9. Report for duty, remain on duty or perform, if the employee tests positive or has adulterated or substituted a test specimen for controlled substances. No employer having knowledge that an employee has tested positive or has adulterated or substituted a test specimen for controlled substances shall permit the employee to perform their work functions.

B. A supervisor or city official having actual knowledge that an employee has used a controlled substance shall not permit the employee to perform or continue to perform his or her duties.

C. An employee shall report any type of therapeutic drug use prescribed by his or her doctor to their supervisor.

D. If an employee engages in the conduct listed in this chapter, the employee is subject to disciplinary action as set forth in this title. (Ord. 12-001 § 3, 2013)

4.120.030 — Pre-employment testing.

A. For the purposes of pre-employment testing only, an employee includes applicants and current employees selected for employment.

1. After acceptance of a position, the employee shall undergo testing for controlled substances prior to reporting for duty.

2. An employee shall not perform his or her job duties unless the employee has received a controlled substances test result from the medical review officer (MRO) or consortium/third party administrator (C/TPA) indicating a verified negative test.

B. The applicable designated employer representative (DER) will obtain information on the employee's alcohol tests with a concentration result of 0.02 or greater, positive controlled substances test results, and refusals to be tested, within the preceding two years, which are maintained by the employee's previous employers. An employee shall not perform his or her job duties for more than 14 days without obtaining the information.

C. An employee shall not perform his or her job duties if the city obtains information showing an alcohol test with a concentration of 0.02 or greater, or a verified positive controlled substances test results, or refusal to be tested, unless the applicable designated employer representative (DER) obtains information on the employee's subsequent substance abuse professional evaluation and associated successful return to duty testing. (Ord. 12-001 § 3, 2013)

4.120.040 — Reasonable suspicion testing — Alcohol.

The city shall require an employee to submit to an alcohol test when the city believes the employee has violated the prohibitions of this title concerning alcohol. The city's determination that reasonable suspicion exists to require the employee to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. (Ord. 12-001 § 3, 2013)

4.120.050 — Reasonable suspicion testing — Controlled substances.

The city shall require an employee to submit to a controlled substances test when the city has reasonable suspicion to believe that the employee has violated the prohibitions of this title concerning controlled substances. The city's determination that reasonable suspicion exists must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The observations may include indications of the chronic and withdrawal effects of controlled substances. (Ord. 12-001 § 3, 2013)

4.120.060 — Required observations.

The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or city official who is trained in accordance with this title. The alcohol or controlled substances test shall be performed by a third party. (Ord. 12-001 § 3, 2013)

4.120.070 — Required observations — Alcohol — Timeframe.

Alcohol testing is authorized only if the observations required by this title are made during, just preceding, or just after the period of the work day that the employee is required to be in compliance. (Ord. 12-001 § 3, 2013)

4.120.075 — Test not administered following reasonable suspicion determination — Alcohol.

A. If an alcohol test required by this title is not administered within two hours following the reasonable suspicion determination, the city shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered.

B. If the alcohol test required by this title is not administered within eight hours following the reasonable suspicion determination, the city shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

C. The report(s) shall be forwarded to the applicable designated employer representative (DER). (Ord. 12-001 § 3, 2013)

4.120.080 — Reporting to work or remaining on duty while impaired prohibited.

Notwithstanding the absence of a reasonable suspicion alcohol test under this title, no employee shall report for duty or remain on duty while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall the city permit the employee to perform or continue to perform his or her duties, until:

A. An alcohol test is administered and the employee's alcohol concentration measures less than 0.02; or

~~B. Twenty four hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated the prohibitions concerning the use of alcohol. (Ord. 12-001 § 3, 2013)~~

~~4.120.090 — Action based on employee behavior prohibited.~~

~~Except as provided in this title, the city shall not take any action against an employee based solely on the employee's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test. (Ord. 12-001 § 3, 2013)~~

~~4.120.100 — Written record required.~~

~~A written record shall be made of the observations leading to an alcohol or controlled substance reasonable suspicion test, and signed by the supervisor or city official who made the observation, within 24 hours of the observed behavior or before the results of the controlled substance tests are released, whichever is earlier. (Ord. 12-001 § 3, 2013)~~

~~4.120.110 — Post accident testing.~~

~~As soon as practicable following a motor vehicle accident involving a city vehicle, the city shall test the employee for alcohol and controlled substances if:~~

~~A. The accident involved the loss of human life; or~~

~~B. A citation is issued under state or local law for a moving traffic violation arising from the accident; or~~

~~C. The accident involved:~~

~~1. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or~~

~~2. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle. (Ord. 12-001 § 3, 2013)~~

~~4.120.120 — Alcohol test not administered following an accident.~~

~~A. If an alcohol test is not administered within two hours following the accident, the city shall prepare and maintain on file a record stating the reasons the test was not promptly administered.~~

~~B. If an alcohol test is not administered within eight hours following the accident, the city shall cease attempts to administer an alcohol test and shall prepare and maintain on file a record stating the reasons the test was not promptly administered.~~

~~C. Records shall be submitted to the Federal Motor Carrier Safety Administration (FMCSA) upon request. (Ord. 12-001 § 3, 2013)~~

~~4.120.130 — Controlled substance test not administered following an accident.~~

~~A. If a controlled substance test is not administered within 32 hours following the accident, the city shall cease attempts to administer a controlled substance test and prepare and maintain on file a record stating the reasons the test was not promptly administered.~~

~~B. Records shall be submitted to the Federal Motor Carrier Safety Administration (FMCSA) upon request. (Ord. 12-001 § 3, 2013)~~

~~4.120.140 — Employee availability for testing.~~

~~An employee who is subject to post accident testing shall remain readily available for such testing, or may be deemed by the city to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. (Ord. 12-001 § 3, 2013)~~

~~4.120.150 — Test results — Alcohol.~~

~~The results of a breath or blood test for the use of alcohol, conducted by federal, state, or local officials having independent authority for the test, shall be considered to meet the requirements of this chapter, provided such tests conform to the applicable federal, state or local alcohol testing requirements, and that the results of the tests are obtained by the city. (Ord. 12-001 § 3, 2013)~~

~~4.120.160 — Test results — Controlled substances.~~

~~The results of a urine test for the use of controlled substances, conducted by federal, state, or local officials having independent authority for the test, shall be considered to meet the requirements of this chapter, provided such tests conform to the applicable federal, state or local controlled substances testing requirements, and that the results of the tests are obtained by the city. (Ord. 12-001 § 3, 2013)~~

~~4.120.170 — Exceptions.~~

~~This chapter does not apply to an occurrence:~~

- A. Involving only boarding or alighting from a stationary motor vehicle; or
- B. Involving only the loading or unloading of cargo. (Ord. 12-001 § 3, 2013)

4.120.190 — City notification obligations:

The designated employer representative (DER) will:

- A. Notify an applicant who has accepted a position with the city of the results of a pre-employment controlled substance test conducted under this chapter, if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application;
- B. Notify an employee of the results of random (in the case of an employee with a commercial driver's license) reasonable suspicion and post-accident tests for controlled substances conducted under this chapter if the test results are verified positive;
- C. Contact the employee with the results of the tests. The employee may request to meet with the medical review officer to discuss the results. (Ord. 12-001 § 3, 2013)

4.120.200 — Testing procedures:

The city shall ensure that all alcohol or controlled substances testing conducted under this policy complies with the procedures set forth in this title.

A. Alcohol:

- 1. Tests will be conducted under the guidance of a breath alcohol technician selected by the city.
- 2. The site(s) will afford privacy to the individual being tested. If the result of an initial test is an alcohol concentration of less than 0.02, no further testing is required and the results are transmitted to the DER in a confidential manner.
- 3. If the result of an initial test is an alcohol concentration of 0.02 or greater, a confirmation test will be performed within 20 minutes. The results of an initial test and the confirmation test are printed on the breath alcohol test forms, signed by both the breath alcohol technician and the driver, and transmitted to the applicable designated employer representative (DER) in a confidential manner.

B. Controlled Substances:

- 1. The city requires testing for marijuana, cocaine, opiates, amphetamines and phencyclidine. Tests for these substances will be conducted under the guidance of the medical review officer selected by the city at one or more designated collection sites. Collection of urine samples will allow individual privacy unless there is a reason to believe that a particular individual may alter or substitute the specimen. It is a violation of federal law and this policy to adulterate or dilute a specimen during the collection procedure.
- 2. Test results are given to the medical review officer for analyzing and reporting to the applicable DER. (Ord. 12-001 § 3, 2013)

4.120.210 — Employee refusal to submit to a required alcohol or controlled substance test:

- A. No employee shall refuse to submit to a pre-employment controlled substance test, a post-accident required alcohol or controlled substance test, a random alcohol or controlled substance test, a reasonable suspicion alcohol or controlled substance test, a return-to-duty alcohol or controlled substance test, follow-up alcohol or controlled substance test.
- B. The city shall not permit an employee who refuses to submit to such tests to perform or continue to perform his or her duties. The driver will be immediately removed from duty and such refusal will be treated as a positive test.
- C. Failure to provide adequate breath for testing when required without a valid medical explanation, failure to remain available for post-accident testing, failure to provide adequate urine for testing without a valid medical explanation, engaging in conduct that obstructs the testing process, or failure to sign the alcohol testing form constitutes a refusal to submit to testing. (Ord. 12-001 § 3, 2013)

4.120.220 — Positive test:

When an employee has engaged in prohibited conduct, the employee will be subject to discipline up to and including termination. (Ord. 12-001 § 3, 2013)

4.120.230 — Access to test results:

An employee is entitled, upon written request, to obtain copies of records pertaining to the employee's alcohol or controlled substances test results. (Ord. 12-001 § 3, 2013)

4.120.240 — Records retention:

- A. The human resources office shall maintain records of alcohol misuse and controlled substances use prevention programs.

- ~~B. The records shall be maintained in a secure location with controlled access.~~
- ~~C. The records shall be retained according to the city's adopted retention schedule. (Ord. 12-001 § 3, 2013)~~
- ~~4.120.250 — Training for supervisors.~~
~~The city shall ensure that all persons designated to supervise will receive at least 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substances use. This training will be used by the supervisors to determine whether reasonable suspicion exists to require an employee to undergo testing. The training shall include the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances; recurrent training is not required. (Ord. 12-001 § 3, 2013)~~
- ~~4.120.260 — Employee admission of alcohol and controlled substances use.~~
~~Employees who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation and treatment requirements of this policy; provided, that:~~
- ~~A. The admission is in writing and in compliance with the city's voluntary self-identification program;~~
- ~~B. The employee does not self-identify in order to avoid testing under the requirements of the program;~~
- ~~C. The employee makes the admission of alcohol misuse or controlled substances use prior to performing his or her duties; and~~
- ~~D. The employee does not perform his or her duties until the city is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines. (Ord. 12-001 § 3, 2013)~~
- ~~4.120.270 — Self-identification program.~~
- ~~A. The city will not take adverse action against an employee making a voluntary admission of alcohol misuse or controlled substances use within the parameters of this program and PMC 4.120.260;~~
- ~~B. The city will allow the employee 10 working days to seek evaluation, education or treatment to establish control over the employee's drug or alcohol problem and provide proof to the DER and supervisor of having undergone assessment screening. The proof must contain the treatment recommendations of the substance abuse professional;~~
- ~~C. The city will permit the employee to return to duty only upon successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert, i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor;~~
- ~~D. The city will ensure that the employee:~~
- ~~1. Undergo a return to duty test with a result indicating an alcohol concentration of less than 0.02; and/or~~
 - ~~2. Undergo a return to duty controlled substance test with a verified negative test result for controlled substances use; and~~
 - ~~3. At least monthly, the employee will furnish the DER and supervisor with proof of their continuing participation in the recommended treatment program until completed. (Ord. 12-001 § 3, 2013)~~
- ~~4.120.280 — Reoccurrences of alcohol or controlled substance misuse.~~
~~Reoccurrences of alcohol or controlled substance misuse will be subject to disciplinary action up to and including the termination of employment. (Ord. 12-001 § 3, 2013)~~

Palmer Municipal Code Chapter 4.130 Drug-Free Workplace Policy Applicability for Commercial Drivers is hereby amended as follows (new language is underlined and deleted language is stricken):

~~Chapter 4.130~~
~~DRUG-FREE WORKPLACE POLICY APPLICABILITY FOR COMMERCIAL DRIVERS~~

- ~~Sections:~~
- ~~4.130.010 — Purpose and goal.~~
- ~~4.130.020 — Drug free workplace.~~
- ~~4.130.030 — Employer responsibility.~~
- ~~4.130.040 — Employee alcohol and controlled substances testing.~~
- ~~4.130.050 — Definitions.~~
- ~~4.130.060 — Applicability.~~
- ~~4.130.070 — Prohibitions.~~
- ~~4.130.080 — Requirement for notice.~~
- ~~4.130.090 — Required tests.~~

- 4.130.100 — Post-accident testing.
- 4.130.110 — Random testing.
- 4.130.120 — Substance abuse professionals.
- 4.130.130 — Follow-up testing.
- 4.130.140 — City notification obligations.
- 4.130.150 — Testing procedures.
- 4.130.160 — Employee refusal to submit to a required alcohol or controlled substance test.
- 4.130.170 — Positive test.
- 4.130.180 — Access to test results.
- 4.130.190 — Records retention.
- 4.130.200 — Training for supervisors.
- 4.130.210 — Employee admission of alcohol and controlled substances use.
- 4.130.010 — Purpose and goal.

The city of Palmer is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. It is recognized that alcohol abuse and drug use pose a significant threat to city goals. The city of Palmer has established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment. The city encourages employees to voluntarily seek help with drug and alcohol problems. (Ord. 12-001 § 3, 2013)

4.130.020 — Drug-free workplace.

A. The city prohibits the unlawful manufacture, distribution, dispensing, possession, or use by an employee of a controlled substance as defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812), and as further defined by policy at 21 CFR 1308.11—1308.15 is prohibited in any workplace of the city.

B. All employees will abide by the terms of this policy as a condition of their employment and will notify the city of any criminal drug statute conviction for a violation occurring in the workplace no later than five working days after the conviction. Within two business days of receiving the notice of conviction, the city will take appropriate personnel action against the employee as prescribed by this title, up to and including termination.

C. The city must provide a statement to notify employees of this policy and to establish a drug-free awareness program to inform employees about: the dangers of drug abuse in the workplace; the city's policy of maintaining a drug-free workplace; any available drug counseling, rehabilitation, and the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

D. Each employee will be provided a copy of this chapter. (Ord. 12-001 § 3, 2013)

4.130.030 — Employer responsibility.

The following steps will be taken to provide a drug-free workplace.

A. The city will publish a statement notifying employees that the violation of such prohibition will subject them to appropriate disciplinary action.

B. The city will establish a drug-free awareness program to inform employees about:

1. The dangers of drug abuse in the workplace;
2. The city's policy of maintaining a drug-free workplace;
3. The availability of drug counseling and rehabilitation programs;
4. The penalties that the city may impose for drug abuse violations occurring in the workplace.

C. As a condition of employment, each employee shall abide by the terms of the city's drug-free workplace policy.

D. The city will take disciplinary action up to and including termination against an employee who violates this title.

E. Violations of this title which are also violations of federal or state law may be referred to the appropriate agencies. In such situations, cases may proceed concurrently at the city and in the criminal justice system.

F. As a condition of employment, each employee shall notify the human resources office in writing of any conviction for a violation of a criminal drug statute no later than two business days after such conviction.

1. Within five calendar days after the city learns of a conviction, the city shall initiate personnel action as prescribed in subsection (D) of this section. (Ord. 12-001 § 3, 2013)

4.130.040 — Employee alcohol and controlled substances testing.

~~A. The city will at a minimum provide for the establishment of alcohol and controlled substances testing programs as required by law; the imposition of penalties on employees when tests exceed allowable levels; compliance with reporting and record keeping requirements; dissemination to affected employees of educational materials explaining the legal requirements, this policy; and provide for appropriate staff and supervisor training.~~
~~B. All employees subject to laws mandating alcohol and controlled substances testing will comply with such laws and this policy as a condition of their employment. (Ord. 12-001 § 3, 2013)~~

~~4.130.050 — Definitions.~~

~~For purposes of this chapter, the following definitions apply:~~

~~A. "Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.~~

~~B. "Alcohol use" means the drinking or swallowing of any beverage, liquid mixture, or preparation, including any medication, containing alcohol.~~

~~C. "Alcohol concentration" (or content) is the alcohol in a volume of breath or blood.~~

~~D. "Commerce" means:~~

~~1. Any trade, traffic or transportation within the jurisdiction of the United States between a place in a state and a place outside of such state, including a place outside of the United States; and~~

~~2. Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in subsection (D)(1) of this section.~~

~~E. "Commercial motor vehicle" or "CMV" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:~~

~~1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or~~

~~2. Has a gross vehicle weight rating of 26,001 or more pounds; or~~

~~3. Is designed to transport 16 or more passengers, including the driver; or~~

~~4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 USC 5103(b)) and which require the motor vehicle to be placarded under hazardous materials regulations (49 CFR part 172, subpart F).~~

~~F. "Confirmation (or confirmatory) drug test" means a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or metabolite.~~

~~G. "Confirmation (or confirmatory) validity test" means a second test performed on a urine specimen to further support a validity test result.~~

~~H. "Confirmed drug test" means a confirmation test result received by a medical review officer (MRO) from a laboratory.~~

~~I. "Consortium/third party administrator (C/TPA)" means a service agent that provides or coordinates one or more drug and/or alcohol testing services to the city. C/TPAs typically provide or coordinate the provision of a number of such services and perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the city's drug and alcohol testing programs of its members (e.g., having a combined random testing pool). C/TPAs are not "employers" for purposes of this chapter.~~

~~J. "Controlled substance" includes, but is not limited to, marijuana, cocaine, opiates, amphetamines and phenylethylamine.~~

~~K. "Designated employer representative (DER)" is an individual identified by the employer as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from their duties and to make required decisions in the testing and appraisal processes.~~

~~L. "Disabling damage" means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.~~

~~1. Inclusions. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.~~

~~2. Exclusions.~~

~~a. Damage which can be remedied temporarily at the scene of the accident without special tools or parts.~~

~~b. Tire disablement without other damage even if no spare tire is available.~~

~~c. Headlight or taillight damage.~~

~~d. Damage to turn signals, horn, or windshield wipers which make them inoperative.~~

- M. "DOT agency" means an agency (or "operating administration") of the United States Department of Transportation administering regulations requiring alcohol and/or drug testing. 49 CFR part 382 in accordance with part 40 is applicable to the city.
- N. "Driver" means any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, part time, seasonal, temporary, on call drivers, leased drivers and independent owner operator contractors.
- O. "Licensed medical practitioner" means a person who is licensed, certified, or registered, in accordance with applicable federal, state, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.
- P. "Medical review officer (MRO)" is a person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by the city's drug testing program and evaluating medical explanations for certain drug test results.
- Q. Performing (A Safety Sensitive Function). A driver is considered to be performing a safety sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety sensitive functions.
- R. "Positive rate for random drug testing" means the number of verified positive results for random drug tests conducted under this chapter plus the number of refusals of random drug tests required by this chapter, divided by the total number of random drug test results (i.e., positives, negatives, and refusals).
- S. "Refuse to submit (to an alcohol or controlled substances test)" means that a driver:
1. Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the city consistent with applicable DOT agency regulations, after being directed to do so by the city. This includes the failure of an employee to appear for a test when called by a C/TPA;
 2. Fails to remain at the testing site until the testing process is complete; provided, that an employee who leaves the testing site before the testing process commences a pre-employment test is not deemed to have refused to test;
 3. Fails to provide a urine specimen for any drug test required by this policy or DOT agency regulations; provided, that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
 4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen;
 5. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
 6. Fails or declines to take a second test the employer or collector has directed the driver to take;
 7. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
 8. Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
 9. Is reported by the MRO as having a verified adulterated or substituted test result.
- T. "Safety sensitive function" means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety sensitive functions shall include:
1. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
 2. All time inspecting equipment as required by DOT regulations or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
 3. All time spent at the driving controls of a commercial motor vehicle in operation.
 4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth as "sleeper berth" is defined by DOT regulations.
 5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded.

~~6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled CMV.~~

~~U. "Screening test (or initial test)" means:~~

~~1. In drug testing, a test to eliminate "negative" urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs.~~

~~2. In alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath, saliva, or blood specimen.~~

~~V. "Stand down" means the practice of temporarily removing an employee from the performance of his or her job duties based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results.~~

~~W. "Substance abuse professional" means a licensed physician or a licensed or certified psychologist, social worker, employee assistance professional, a state licensed or certified marriage and family therapist or drug and alcohol counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC)) or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC); or by the National Board for Certified Counselors, Inc., and Affiliates/Master Addictions Counselor (NBCC) with knowledge about and clinical experience in the diagnosis and treatment of alcohol and controlled substances related disorders.~~

~~X. "Violation rate" for random alcohol testing means the number of 0.02 and above random alcohol confirmation test results conducted under this chapter plus the number of refusals of random alcohol tests required by this chapter, divided by the total number of random alcohol screening tests (including refusals). (Ord. 12-001 § 3, 2013)~~

~~4.130.060 — Applicability.~~

~~This policy applies to all city employees who are required to hold a commercial driver's license as a function of their city employment. (Ord. 12-001 § 3, 2013)~~

~~4.130.070 — Prohibitions.~~

~~A. A driver shall not:~~

~~1. Report for duty or remain on duty requiring the performance of safety sensitive functions while having an alcohol concentration of 0.04 or greater.~~

~~2. Use alcohol while performing safety sensitive functions.~~

~~3. Perform safety sensitive functions within four hours after using alcohol. The city, having actual knowledge that a driver has used alcohol within four hours shall permit a driver to perform or continue to perform safety sensitive functions.~~

~~4. Use alcohol on the job, including during breaks or meals.~~

~~5. Possess alcohol on the job, including during breaks or meals.~~

~~6. Use alcohol for eight hours following an accident, or until the driver undergoes a required post-accident alcohol test, whichever occurs first.~~

~~7. Refuse to submit to a pre-employment controlled substance test required under DOT, post-accident alcohol or controlled substances test required under DOT, a random alcohol or controlled substances test required under DOT, a reasonable suspicion alcohol or controlled substances test required under DOT, or a follow-up alcohol or controlled substances test required under DOT. The city shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety sensitive functions.~~

~~8. Report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses any drug or substance, identified in 21 CFR 1308.11 Schedule I.~~

~~9. Report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses any non-Schedule I drug or substance that is identified in the other schedules in 21 CFR 1308 except when the use is a licensed medical practitioner, as defined in this policy, who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.~~

~~10. Report for duty, remain on duty or perform a safety sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances. No employer having knowledge that a driver has tested positive or has adulterated or substituted a test specimen for controlled substances shall permit the driver to perform or continue to perform safety sensitive functions.~~

~~B. An employer having knowledge that a driver has an alcohol concentration of 0.04 or greater shall not permit the driver to perform or continue to perform safety sensitive functions.~~

~~C. An employer having actual knowledge that a driver is using alcohol while performing safety sensitive functions shall not permit the driver to perform or continue to perform safety sensitive functions.~~

~~D. A supervisor or city official having actual knowledge that a driver has used a controlled substance shall not permit the driver to perform or continue to perform a safety sensitive function.~~

~~E. The city shall require a driver to inform the employer of any therapeutic drug use.~~

~~F. If an employee engages in the conduct described above, the employee is considered to have engaged in prohibited conduct, is immediately disqualified from performing a safety sensitive function, including operating a commercial motor vehicle, and is subject to disciplinary action as set forth in this title. (Ord. 12-001 § 3, 2013)~~

~~4.130.080 — Requirement for notice.~~

~~Before performing each alcohol or controlled substances test under this title, the city shall notify a driver that the alcohol or controlled substances test is required by DOT. The city shall not falsely represent that a test is administered under DOT. (Ord. 12-001 § 3, 2013)~~

~~4.130.090 — Required tests.~~

~~A. Pre-Employment Testing.~~

~~1. For the purposes of pre-employment testing only, an employee includes applicants and current employees selected for employment in such a position or an employee who has been out of the random pool for a period of 90 days or longer.~~

~~a. Prior to the first time a driver performs safety sensitive functions for the city, the driver shall undergo testing for controlled substances as a condition prior to being used.~~

~~b. No driver will be allowed to perform safety sensitive functions unless the employee has received a controlled substances test result from the medical review officer (MRO) or consortium/third party administrator (C/TPA) indicating a verified negative test result for that driver.~~

~~2. The applicable designated employer representative (DER) will obtain, pursuant to a driver's consent, information on the employee's alcohol tests with a concentration result of 0.04 or greater, positive controlled substances test results, and refusals to be tested, within the preceding two years, which are maintained by the employee's previous employers.~~

~~a. This information must be obtained and reviewed by the applicable DER no later than 14 calendar days after the first time a driver performs safety sensitive functions for the city, if it is not feasible to obtain the information prior to the driver performing safety sensitive functions.~~

~~b. A driver will not be allowed to perform safety sensitive functions more than 14 days without obtaining the information.~~

~~3. A driver will not be allowed to perform safety sensitive functions if the city obtains information showing an alcohol test with a concentration of 0.04 or greater, or a verified positive controlled substances test result, or refusal to be tested, unless the applicable DER obtains information on the driver's subsequent substance abuse professional evaluation and associated successful return-to-duty testing.~~

~~B. Reasonable Suspicion Testing.~~

~~1. The city shall require a driver to submit to an alcohol test when the city believes the driver has violated the prohibitions of this policy concerning alcohol.~~

~~a. The city's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.~~

~~2. The city shall require a driver to submit to a controlled substances test when the city has reasonable suspicion to believe that the driver has violated the prohibitions of this policy concerning controlled substances.~~

~~a. The city's determination that reasonable suspicion exists must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.~~

~~b. The observations may include indications of the chronic and withdrawal effects of controlled substances.~~

~~3. The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or city official who is trained in accordance with this policy. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver.~~

4. ~~Alcohol testing is authorized by this section only if the observations required by this title are made during, just preceding, or just after the period of the work day that the driver is required to be in compliance.~~

a. ~~A driver may be directed by the employer to only undergo reasonable suspicion testing while the driver is performing safety sensitive functions, just before the driver is to perform safety sensitive functions, or just after the driver has ceased performing such functions.~~

5. ~~Tests Not Administered:~~

a. ~~If an alcohol test required by this title is not administered within two hours following the reasonable suspicion determination, the city shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered.~~

b. ~~If the alcohol test required by this policy is not administered within eight hours following the reasonable suspicion determination, the city shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.~~

c. ~~The report(s) shall be forwarded to the applicable DER.~~

C. ~~Notwithstanding the absence of a reasonable suspicion alcohol test under this policy, no driver shall report for duty or remain on duty requiring the performance of safety sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall the city permit the driver to perform or continue to perform safety sensitive functions, until:~~

1. ~~An alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or~~

2. ~~Twenty four hours have elapsed following the determination that there is reasonable suspicion to believe that the driver has violated the prohibitions concerning the use of alcohol.~~

D. ~~Except as provided in this title, the city shall not take any action against a driver based solely on the driver's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test.~~

E. ~~A written record shall be made of the observations leading to an alcohol or controlled substance reasonable suspicion test, and signed by the supervisor or city official who made the observation, within 24 hours of the observed behavior or before the results of the controlled substance tests are released, whichever is earlier. (Ord. 12-001 § 3, 2013)~~

4.130.100 — ~~Post-accident testing.~~

A. ~~Post-Accident Testing—Alcohol. As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, the city shall test for alcohol for each surviving driver:~~

1. ~~Who was performing safety sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or~~

2. ~~Who receives a citation within eight hours of the occurrence under state or local law for a moving traffic violation arising from the accident, if the accident involved:~~

a. ~~Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or~~

b. ~~One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.~~

B. ~~Post-Accident Testing—Controlled Substances. As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, the city shall test for controlled substances for each of its surviving drivers:~~

1. ~~Who was performing safety sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or~~

2. ~~Who receives a citation within 32 hours of the occurrence under state or local law for a moving traffic violation arising from the accident, if the accident involved:~~

a. ~~Bodily injury to any person who, as a result of the injury immediately receives medical treatment away from the scene of the accident; or~~

b. ~~One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.~~

C. ~~The following table notes when a post-accident test is required to be conducted by subsections (A) and (B) of this section:~~

Type of Accident Involved	Citation Issued to the CMV Driver	Test Must Be Performed by Employer
Human fatality	YES	YES
	NO	YES

~~Bodily injury with immediate medical treatment away from the scene — YES — YES~~

~~— NO — NO~~

~~Disabling damage to any motor vehicle requiring tow away YES — YES~~

~~— NO — NO~~

~~D. Tests Not Administered — Alcohol.~~

~~1. If an alcohol test is not administered within two hours following the accident, the city shall prepare and maintain on file a record stating the reasons the test was not promptly administered.~~

~~2. If an alcohol test is not administered within eight hours following the accident, the city shall cease attempts to administer an alcohol test and shall prepare and maintain on file a record stating the reasons the test was not promptly administered.~~

~~3. Records shall be submitted to FMCSA upon request.~~

~~E. Tests Not Administered — Controlled Substance.~~

~~1. If a controlled substance test is not administered within 32 hours following the accident, the city shall cease attempts to administer a controlled substance test and prepare and maintain on file a record stating the reasons the test was not promptly administered.~~

~~2. Records shall be submitted to the FMCSA upon request.~~

~~F. A driver who is subject to post-accident testing shall remain readily available for such testing, or may be deemed by the city to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.~~

~~G. The city shall provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of this section.~~

~~1. The results of a breath or blood test for the use of alcohol, conducted by federal, state, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable federal, state or local alcohol testing requirements, and that the results of the tests are obtained by the city.~~

~~2. The results of a urine test for the use of controlled substances, conducted by federal, state, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable federal, state or local controlled substances testing requirements, and that the results of the tests are obtained by the city.~~

~~H. Exception. This section does not apply to an occurrence:~~

~~1. Involving only boarding or alighting from a stationary motor vehicle; or~~

~~2. Involving only the loading or unloading of cargo; or~~

~~3. In the course of the operation of a passenger car or a multipurpose passenger vehicle by the city unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked. (Ord. 12-001 § 3, 2013)~~

~~4.130.110 — Random testing.~~

~~A. Every driver shall submit to random alcohol and controlled substance testing as required in this section.~~

~~B. The random testing of drivers will be unannounced, spread reasonably throughout the year, and will be conducted to assure that all drivers have an equal chance of being tested.~~

~~C. The drivers to be tested will be randomly selected using a scientifically valid method.~~

~~D. The minimum annual percentage rate for random alcohol testing shall be 10 percent of the average number of driver positions.~~

~~E. The minimum annual percentage rate for random controlled substances testing shall be 50 percent of the average number of driver positions or such other rate as may be set annually by the Federal Motor Carrier Safety Administration.~~

~~1. The selection of drivers for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with drivers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers.~~

~~2. Each driver selected for random alcohol and controlled substances testing under the selection process used shall have an equal chance of being tested each time selections are made.~~

3. ~~Each driver selected for testing shall be tested during the selection period.~~
4. ~~The city shall ensure that random alcohol and controlled substances tests conducted under this part are unannounced.~~
5. ~~The city shall ensure that the dates for administering random alcohol and controlled substances tests conducted under this part are spread reasonably throughout the calendar year.~~
6. ~~The city shall require that each driver who is notified of selection for random alcohol and/or controlled substances testing proceeds to the test site immediately; provided, however, that if the driver is performing a safety sensitive function, other than driving a commercial motor vehicle, at the time of notification, the employer shall instead ensure that the driver ceases to perform the safety sensitive function and proceeds to the testing site as soon as possible.~~
7. ~~A driver shall only be tested for alcohol while the driver is performing a safety sensitive function, just before the driver is to perform a safety sensitive function, or just after the driver has ceased performing such function. (Ord. 12-001 § 3, 2013)~~

4.130.120 — Substance abuse professionals.

- A. ~~The city will provide to each employee including an applicant or new employee who violates a DOT drug and alcohol policy a listing of substance abuse professionals (SAP) readily available to the employee with names, addresses, and phone numbers.~~
- B. ~~The city is not required to provide a substance abuse professional's (SAP) evaluation or any subsequent recommended education or treatment for an employee who has violated a DOT drug and/or alcohol policy.~~
- C. ~~Payment for substance abuse professional's (SAP) evaluations is the responsibility of the employee. The employee must undergo a return to duty alcohol test with a result indicating an alcohol concentration of less than 0.02 or, if the prohibited conduct involved a controlled substance, a return to duty controlled substance test with a result indicating a verified negative result for controlled substance use. (Ord. 12-001 § 3, 2013)~~

4.130.130 — Follow up testing.

~~For each employee who has committed a DOT drug or alcohol policy violation and who seeks to resume employment with safety sensitive functions, the city must establish a written follow up testing plan.~~

- A. ~~The plan is established once the city has determined that the employee has successfully complied with a substance abuse professional's (SAP) recommendation for education and/or treatment. The substance abuse professional (SAP) must provide a copy of the written plan to the DER.~~
- B. ~~Following a determination by a substance abuse professional that an employee is in need of assistance in resolving problems associated with alcohol misuse or use of controlled substances, the employee is subject to unannounced follow up alcohol or controlled substance testing.~~
- C. ~~The number and frequency of the tests will be determined by the substance abuse professional, but will at a minimum consist of at least six unannounced follow up tests in the first 12 months of safety sensitive duty following the employee's return to safety sensitive functions.~~
- D. ~~The employer shall establish the specific dates for testing. The unannounced follow up testing may continue for up to five years. (Ord. 12-001 § 3, 2013)~~

4.130.140 — City notification obligations.

- A. ~~The DER will:~~
 1. ~~Notify a driver of the results of a pre-employment controlled substance test conducted under this title, if the driver requests such results within 60 calendar days of being notified of the disposition of the employment application;~~
 2. ~~Notify a driver of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this title if the test results are verified positive;~~
 3. ~~Make reasonable efforts to contact and request each driver who submitted a specimen under the city's program, regardless of the driver's employment status;~~
 4. ~~Contact and discuss the results of the controlled substances test with a medical review officer when the medical review officer has been unable to contact the driver;~~
 5. ~~Immediately notify the medical review officer that the driver has been notified to contact the medical review officer within 72 hours;~~
 6. ~~Request alcohol and controlled substances information from previous employers;~~
 7. ~~Ensure that each driver receives an educational material that explains the requirements of this title with respect to meeting these requirements. Drivers will acknowledge in writing receipt of such information;~~

8. ~~Include detailed discussion of the following in the materials to be made available to drivers:~~
 - a. ~~The identity of the person designated by the city to answer driver questions about the materials;~~
 - b. ~~The categories of drivers who are subject to this title;~~
 - c. ~~Sufficient information about the safety sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance with this policy;~~
 - d. ~~Specific information concerning driver conduct that is prohibited by this policy;~~
9. ~~Supply written notice to representatives of employee organizations of the availability of information;~~
10. ~~Provide the circumstances under which a driver will be tested for alcohol and/or controlled substances under this chapter, including post accident testing under this title;~~
11. ~~Provide the procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post accident information, procedures and instructions required by this policy;~~
12. ~~Provide the requirement that a driver submit to alcohol and controlled substances tests administered in accordance with this policy;~~
13. ~~Provide an explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the consequences;~~
14. ~~Provide the consequences for drivers found to have violated policy, including the requirement that the driver be removed immediately from safety sensitive functions, and the procedures under this policy;~~
15. ~~Provide the consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04;~~
16. ~~Provide information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a co-worker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.~~

B. ~~The human resources office shall ensure that each driver signs a statement certifying that he or she has received a copy of these materials described in this section. The human resources office will maintain the original of the signed certificate and provide a copy of the certificate to the driver. (Ord. 12-001 § 3, 2013)~~

4.130.150 — ~~Testing procedures.~~

~~The city shall ensure all alcohol or controlled substances testing conducted under this title complies with the procedures set forth in DOT regulations 49 CFR Part 40.~~

A. ~~Alcohol.~~

1. ~~Tests will be conducted under the guidance of a breath alcohol technician selected by the city and in accordance with DOT regulations at one or more designated testing sites.~~
2. ~~The site(s) will afford privacy to the individual being tested. If the result of an initial test is an alcohol concentration of less than 0.02, no further testing is required and the results are transmitted to the DER in a confidential manner.~~
3. ~~If the result of an initial test is an alcohol concentration of 0.02 or greater, a confirmation test will be performed within 20 minutes. The results of an initial test and the confirmation test are printed on the breath alcohol test forms, signed by both the breath alcohol technician and the driver, and transmitted to the applicable DER in a confidential manner.~~
4. ~~A driver tested who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform or continue to perform safety sensitive functions, including driving a commercial motor vehicle, nor shall the driver perform or continue to perform safety sensitive functions, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.~~

B. ~~Controlled Substances.~~

1. ~~DOT regulations require testing for marijuana, cocaine, opiates, amphetamines and phencyclidine. Tests for these substances will be conducted under the guidance of the medical review officer selected by the city and in accordance with DOT regulations at one or more designated collection sites. Collection of urine samples will allow individual privacy unless there is a reason to believe that a particular individual may alter or substitute the specimen. It is a violation of federal law and this policy to adulterate or dilute a specimen during the collection procedure.~~

~~2. Test results are given to the medical review officer for analyzing and reporting to the applicable DER. (Ord. 12-001 § 3, 2013)~~

~~4.130.160 — Employee refusal to submit to a required alcohol or controlled substance test.~~

~~A. A driver shall not refuse to submit to a pre-employment controlled substance test, a post-accident required alcohol or controlled substance test, a random alcohol or controlled substance test, a reasonable suspicion alcohol or controlled substance test, a return-to-duty alcohol or controlled substance test, follow-up alcohol or controlled substance test.~~

~~B. The city shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions. The driver will be immediately removed from duty and such refusal will be treated as a positive test.~~

~~C. Failure to provide adequate breath for testing when required without a valid medical explanation, failure to remain available for post-accident testing, failure to provide adequate urine for testing without a valid medical explanation, engaging in conduct that obstructs the testing process, or failure to sign the alcohol testing form constitutes a refusal to submit to testing. (Ord. 12-001 § 3, 2013)~~

~~4.130.170 — Positive test.~~

~~When a driver has engaged in prohibited conduct, the employee will be dismissed for cause or provided a last chance agreement at the sole discretion of the city. (Ord. 12-001 § 3, 2013)~~

~~4.130.180 — Access to test results.~~

~~A driver is entitled, upon written request, to obtain copies of records pertaining to the employee's alcohol or controlled substances test results. (Ord. 12-001 § 3, 2013)~~

~~4.130.190 — Records retention.~~

~~The human resources office shall maintain records of alcohol misuse and controlled substances use prevention programs. The records shall be maintained in a secure location with controlled access:~~

~~A. Five-Year Record Retention.~~

~~1. Records of driver alcohol test results indicating an alcohol concentration of 0.02 or greater;~~

~~2. Records of driver verified positive controlled substance test results;~~

~~3. Documentation of refusals to take required alcohol and/or controlled substance tests;~~

~~4. Driver evaluations and referrals;~~

~~5. Calibration documentation;~~

~~6. Records related to the administration of the alcohol and controlled substances testing programs; and~~

~~7. A copy of each annual calendar year summary required by DOT regulations.~~

~~B. Two-Year Record Retention. Records related to the alcohol and controlled substances collection process.~~

~~C. One-Year Record Retention. Records of any negative and canceled controlled substance test results and alcohol test results with a concentration of less than 0.02.~~

~~D. Indefinite Record Retention. Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers shall be maintained by the city while the individual performs the functions which require the training and for two years after ceasing to perform those functions.~~

~~E. Types of Records. The following specific types of records shall be maintained. "Documents generated" are documents that may have to be prepared under a requirement of DOT regulations. If the record is required to be prepared, it must be maintained.~~

~~1. Records Related to the Collection Process.~~

~~a. Collection logbooks, if used;~~

~~b. Documents relating to the random selection process;~~

~~c. Calibration documentation for evidential breath testing devices;~~

~~d. Documentation of breath alcohol technician training;~~

~~e. Documents generated in connection with decisions to administer reasonable suspicion alcohol or controlled substances tests;~~

~~f. Documents generated in connection with decisions on post-accident tests;~~

~~g. Documents verifying existence of a medical explanation of the inability of a driver to provide adequate breath or to provide a urine specimen for testing; and~~

~~h. A copy of each annual calendar year summary as required by DOT regulations.~~

~~2. Records Related to a Driver's Test Results.~~

~~a. The city's copy of the alcohol test form, including the results of the test;~~

- ~~b. The city's copy of the controlled substances test chain of custody and control form;~~
- ~~c. Documents sent by the MRO to the city, including those required by DOT regulations;~~
- ~~d. Documents related to the refusal of any driver to submit to an alcohol or controlled substances test required by this chapter;~~
- ~~e. Documents presented by a driver to dispute the result of an alcohol or controlled substances test administered;~~
- ~~f. Documents generated in connection with verifications of prior employers' alcohol or controlled substances test results that the employer must obtain in connection with the exception contained in policy and must obtain as required by policy;~~
- ~~g. Records related to other violations;~~
- ~~h. Records related to evaluations;~~
- ~~i. Records pertaining to a determination by a substance abuse professional concerning a driver's need for assistance; and~~
- ~~j. Records concerning a driver's compliance with recommendations of the substance abuse professional.~~

~~3. Records Related to Education and Training.~~

- ~~a. Materials on alcohol misuse and controlled substance use awareness, including a copy of the city's policy on alcohol misuse and controlled substance use;~~
- ~~b. Documentation of compliance with the requirements of DOT regulations, including the driver's signed receipt of education materials;~~
- ~~c. Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol or controlled substances testing based on reasonable suspicion;~~
- ~~d. Documentation of training for breath alcohol technicians as required; and~~
- ~~e. Certification that any training conducted complies with the DOT requirements for such training.~~

~~4. Administrative Records Related to Alcohol and Controlled Substances Testing.~~

- ~~a. Agreements with collection site facilities, laboratories, breath alcohol technicians, screening test technicians, medical review officers, consortia, and third party service providers;~~
- ~~b. Names and positions of officials and their role in the city's alcohol and controlled substances testing program(s);~~
- ~~c. Semi-annual laboratory statistical summaries of urinalysis required by DOT; and~~
- ~~d. The city's alcohol and controlled substances testing policy and procedures.~~

~~F. Location of Records.~~

~~1. All records required shall be maintained as required with DOT regulation and shall be made available for inspection at the city's principal place of business within two business days after a request has been made by an authorized representative of the Federal Motor Carrier Safety Administration.~~

~~2. The human resources offices will be responsible for maintaining the additional records. (Ord. 12-001 § 3, 2013)~~

~~4.130.200 — Training for supervisors.~~

- ~~A. The city shall ensure that all persons designated to supervise drivers will receive at least 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substances use.~~
- ~~B. This training will be used by the supervisors to determine whether reasonable suspicion exists to require employee driver to undergo testing.~~
- ~~C. The training shall include the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances; recurrent training is not required. (Ord. 12-001 § 3, 2013)~~

~~4.130.210 — Employee admission of alcohol and controlled substances use.~~

~~A. Employees who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation and treatment requirements of this policy; provided, that:~~

- ~~1. The admission is in writing and in compliance with the city's voluntary self-identification program;~~
- ~~2. The driver does not self-identify in order to avoid testing under the requirements of the program;~~
- ~~3. The driver makes the admission of alcohol misuse or controlled substances use prior to performing a safety sensitive function (i.e., prior to reporting for duty); and~~
- ~~4. The driver does not perform a safety sensitive function until the city is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.~~

~~B. Self Identification Program.~~

- ~~1. The city will not take adverse action against an employee making a voluntary admission of alcohol misuse or controlled substances use within the parameters of this program and subsection (A) of this section;~~
- ~~2. The city will allow the employee 10 working days to seek evaluation, education or treatment to establish control over the employee's drug or alcohol problem and provide proof to the DER and supervisor of having undergone assessment screening. The proof must contain the treatment recommendations of the substance abuse professional;~~
- ~~3. The city will permit the employee to return to safety sensitive duties only upon successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert, i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor;~~
- ~~4. The city will ensure that:~~
 - ~~a. Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty test with a result indicating an alcohol concentration of less than 0.02; and/or~~
 - ~~b. Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty controlled substance test with a verified negative test result for controlled substances use; and~~
 - ~~c. At least monthly, the employee will furnish the DER and supervisor with proof of their continuing participation in the recommended treatment program until completed.~~
- ~~5. Reoccurrences of alcohol misuse or controlled substance use will be subject to disciplinary action up to and including the termination of employment. (Ord. 12-001 § 3, 2013)~~

4.110.050 Training for Supervisors

- A. The city shall ensure that all people designated to supervise drivers will receive at least the minimum training required by the FMSCA.
- B. This training will be used by the supervisors to determine whether reasonable suspicion exists to require employee drivers to undergo testing.
- C. The training shall include the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances; recurrent training is not required. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Chapter 4.140 Whistleblowers Protection Policy is hereby amended as follows (new language is underlined and deleted language is stricken):

~~Chapter 4.140 Whistleblowers Protection Policy~~

~~4.140.005 Whistleblowers protection policy.~~

CHAPTER 4.140 WHISTLEBLOWERS PROTECTION POLICY AND WASTE, FRAUD AND ABUSE POLICY

Sections:

4.140.005 Whistleblowers Protection Policy

4.140.006 Waste, Fraud and Abuse

4.140.006 Waste, Fraud and Abuse

The City of Palmer and its employees are responsible for being fiscally responsible for all city resources. As such, the city prohibits violation of waste, fraud and abuse of all city resources including property, personnel, and money. Employees who have knowledge of waste, fraud and/or abuse should contact his/her Department Director, the City Manager, or the Human Resources Manager immediately.
Having knowledge of and failing to report waste, fraud or abuse subjects the employee to disciplinary action.

Palmer Municipal Code Chapter 4.160 ADA Accommodation Policy is hereby amended as follows (new language is underlined and deleted language is stricken):

CHAPTER 4.160 ADA ACCOMMODATION POLICY

4.160.000 Definition

4.160.010 Compliance

4.160.020 Procedures

4.160.000 Definition

A. The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that prohibit discrimination against individuals with disabilities. For individuals who work or apply for positions with the City of Palmer, this regulation is designed to help people with disabilities access the same employment opportunities and benefits available to people without disabilities. All qualified employers must provide reasonable accommodation to qualified applicants or employees. A reasonable accommodation is any modification or adjustment to a job or the work environment that will enable an applicant or employee with a disability to participate in the application process or to perform essential job functions.

4.160.010 Compliance

A. The City of Palmer complies with all federal and state laws concerning the employment of persons with disabilities and will act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). It is the City's policy not to discriminate against qualified individuals with disabilities regarding application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions, and privileges of employment.

B. The City of Palmer will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes undue hardship. Individuals requesting an accommodation under the Americans with Disabilities Act should contact the Human Resources Manager.

C. Individuals who are currently using illegal drugs are excluded from coverage under the City's ADA policy.

4.160.020 Procedure

A. Requesting Accommodation

1. Employees or applicants with disabilities may request reasonable accommodation. This request should be made in writing to their supervisor or to the Human Resources Manager.

2. The employee should provide, if possible, accommodation he or she feels is appropriate to his/her needs.

B. Assessment

1. Upon receiving the reasonable accommodation request, Human Resource Officer will begin the interactive processes which may include some or all the following:

a. A determination of how the employee's disability limits their ability to perform the essential functions of their job to identify the employee as a qualified individual with a disability.

b. Identification of the type of accommodation needed.

c. Review of Medical Certification paperwork. The employee is responsible for ensuring his/her physician completes the paperwork in its entirety and the paperwork is submitted to the Human Resources Manager within 15 days.

C. Medical Documentation and Confidentiality

1. If the disability is not obvious and there is no other medical information already on record for the employee, the city will require the employee to provide documentation from a physician or other medical professional concerning the existence and extent of the disability. The employee's medical information will be maintained in a separate confidential file. Any information regarding the employee's condition will only be made available on a need-to-know basis.

D. Determination

1. Once the medical certification has been received and reviewed by the Human Resources Manager, a meeting will be scheduled between the Human Resources Manager and the employee to determine (1) if the medical certification supports the employee's request for accommodations under ADA and (2) what accommodations would be appropriate.

E. Implementation

1. The employees' preference for accommodation will be considered. However, the City of Palmer reserves the right to select alternatives providing they are effective in ensuring the employee can complete the essential functions of his/her position.

2. Once the accommodation has been determined to be appropriate and does not cause undue hardship for the city, the Human Resources Manager will make the appropriate arrangements. Accommodation will be implemented as soon as reasonably available.

Section 4. Effective Date. Ordinance No. 22-0XX shall take effect upon adoption by the city of Palmer City Council.

Passed and adopted this ____ day of ____, 2024.

Steve Carrington, Mayor

Shelly M. Acteson, CMC, City Clerk