

A0 99-82

See AO 99-82

Submitted by: Chairman of the Assembly at
the Request of the Mayor
Prepared by: Department of Law
For reading: May 25, 1999

ANCHORAGE, ALASKA
AO NO. 99- 82

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE ("AMC") SECTION
2 3.30.112 TO ADD PROHIBITED EMPLOYMENT RELATIONSHIPS BETWEEN RELATIVES
3 TO THE REASONS FOR LAYOFF; REPEALING AND RE-ENACTING AMC SECTION
4 3.30.168 TO MODIFY THE DEFINITION OF "RELATIVE" AND TO CLARIFY AND
5 ESTABLISH STANDARDS, RESTRICTIONS, CONDITIONS AND HIRING AUTHORITY FOR
6 EMPLOYMENT OF RELATIVES; AND AMENDING AMC CHAPTER 3.30 TO ADD SECTION
7 3.30.179 MAKING THE EMPLOYMENT OF RELATIVE PROVISIONS APPLICABLE TO
8 EXECUTIVE EMPLOYEES.

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11 THE ANCHORAGE ASSEMBLY ORDAINS:

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13 Section 1. Anchorage Municipal Code section 3.30.112A. is hereby amended to read as follows:

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15 **3.30.112** **Layoffs**

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17 A. *Reason for Layoff.* Layoffs may be necessary due to the following:

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19 1. Elimination of a position in the work force;
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21 2. End of a substitute appointment upon return of the incumbent when the
22 substitute's transfer to another position has not been achieved;
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24 3. Failure of an employee to successfully complete the probationary period
25 following promotion when the Director determines that there is no other
26 position available to which that employee may be demoted; [OR]
- 27
28 4. Material change in the duties of the position for which the employee lacks the
29 necessary skills, knowledge, certification, registration or aptitude[.]; or
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31 5. The appointment of a relative to a position creating a circumstance prohibited
32 or regulated by section 3.30.168 C.
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Section 2. Anchorage Municipal Code section 3.30.168 is hereby repealed and re-enacted to read as follows:

3.30.168 Employment of relatives.

A. *Definition.* As used in this section,

Relative means any person who, by blood, marriage or adoption, including in-laws and step-relatives, is the child, sibling, parent, aunt, uncle, first cousin, grandparent, or grandchild of an applicant or employee and any person who lives in the same household as an applicant or employee.

B. *Policy.* Except as otherwise provided in this section, an applicant who is otherwise qualified may not be denied appointment to a municipal position or continued employment with the municipality because the applicant's relative is employed by the municipality.

C. *Prohibitions.* The following prohibitions shall be applied and govern in the order listed. No person may be appointed to or continue to be employed in a position in any agency:

1. If the appointee or employee is a relative of the agency head or another employee higher than the agency head in the chain of command established by chapters 3.20 or 3.30; or
2. If the position will directly supervise or is directly supervised by a relative, provided:
 - a. The Director may authorize in writing a temporary appointment to or continued employment in a position directly supervised by a relative, if the Director finds the appointment or continued employment is of short duration and no reasonable alternative is available.
 - b. Appointments and continued employment pursuant to this subsection shall be re-evaluated and new findings made by the Director not less than every six months.
3. Who is a relative of the appointing authority and who is or would be in the same chain of command as the appointing authority unless the appointment or

continued employment is first approved in writing by the agency head and the Director, provided:

a. The Director first determines the appointment or continued employment is not likely to adversely affect or unduly impair or conflict with the efficient functioning of the agency, the chain of command, work product, work product review or approval, work place morale, supervisory or lead responsibilities in the agency, shift or work assignments, or other relevant or material job related factors.

4. Who is a relative of any other employee in the Municipality, unless the appointment or continued employment is first approved in writing by the employee's or appointee's agency head and the Director, provided the Director first makes the determination required by section C.3.a. of this section.

D. *Re-Evaluations.* The Director may, at any time, re-evaluate the effects of a relationship described in subsections C.3 or C.4. of this section on the performance of an employee and the operation of the agencies involved. The Director shall re-evaluate the relationship described subsections C.3. and C.4. of this section if requested by a department head or if an affected employee is promoted, demoted, or transferred.

E. *Corrective Action.* Subject to the provisions of subsection D. and this subsection, the Director may correct appointments and continued employment prohibited by subsection C. of this section by transfer, layoff, demotion or termination of employment.

1. The Director shall take such corrective action under subsection E. of this section which has the least adverse impact on the employees necessary to cure the prohibited appointment or continued employment, provided such corrective action shall always be in the best interests of the Municipality.

2. An employee who creates a relationship subject to subsection C. of this section shall be subject to transfer, layoff, demotion or termination of employment only when the Director determines such to be necessary in the best interests of the Municipality.

F. Applicants and employees with relatives in the same agency as the applicant or employee or applicants and employees with a relative covered by subsection C. of this section, shall timely disclose to the Director:

1. The names and relationship to the reporting employee or applicant of all relatives in the employ of the Municipality and its agencies, including the existence of such relationships not previously reported;
2. The creation of a relationship which results in another employee becoming a relative of the reporting applicant or employee together with the other employee's name and relationship; and
3. Any change in the information required to be provided under this subsection F.

(AO No. 79-195)

Section 3. Anchorage Municipal Code chapter 3.30 is hereby amended by enacting a new section 3.30.179 to read as follows:

3.30.179 Employment of Relatives

Executive employees are governed by the standards for employment of relatives found in AMC 3.30.168 and its definition of "relative".

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

PASSED AND APPROVED by the Anchorage Assembly this ____ day of _____, 1999.

Chairman of the Assembly

ATTEST:

Municipal Clerk