

Submitted by: DEBBIE OSSIANDER,
ASSEMBLY CHAIR &
MATT CLAMAN, ACTING MAYOR
Prepared by: Dept. of Law
For reading: June 23, 2009

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 7-7-09

ANCHORAGE, ALASKA
AO No. 2009-84

1 **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 3.30,**
2 **SECTIONS 3.30.171 – 3.30.177, RULE 17, EXECUTIVES, TO UPDATE**
3 **EXECUTIVE CLASSIFICATIONS AND CLARIFY PERMISSIBLE USE OF**
4 **OVERTIME AND COMP TIME.**
5

6
7 **WHEREAS**, Anchorage Municipal Code sections 3.30.171 – 3.30.177, also known as
8 Rule 17, require an update to current classifications and clarification of federal Fair
9 Labor Standards Act (FLSA) exempt and non-exempt executives; now, therefore,

10
11 **THE ANCHORAGE ASSEMBLY ORDAINS:**
12

13 **Section 1.** Anchorage Municipal Code Rule 17 in chapter 3.30, sections 3.30.171 -
14 .177, also known as Rule 17, Executives, is amended to read as follows (*the*
15 *remainder of Rule 17 is not affected and therefore not set out*):
16

17 **PART 17. RULE 17, EXECUTIVES**
18 **3.30.171 Definitions.**
19

20 The following words, terms and phrases, when used in this part, shall have the
21 meanings ascribed to them in this section, except where the context clearly
22 indicates a different meaning:
23

24 *Executive exempt classification* means a group of positions sufficiently similar
25 in the type of executive duties performed, scope of discretion and
26 responsibility, minimum requirements of training, experience or skill, and other
27 such characteristics that positions are considered exempt under the federal
28 Fair Labor Standards Act (FLSA) and the same title and the same range of
29 compensation apply to each position in the group.
30

31 *Executive non-exempt classification* means a group of positions providing
32 administrative support services of a confidential, or otherwise sensitive,
33 nature, as determined by the appointing authority, although not considered
34 exempt under the federal Fair Labor Standards Act (FLSA).
35

36 *Executive employee* means an employee appointed to an executive exempt or
37 non-exempt position, regardless of status and nature of appointment.
38

39 *Executive pay level* means one of eight [six] different levels of executive pay.
40

1 [EXECUTIVE POSITION MEANS A POSITION WHICH INVOLVES PRINCIPAL
2 RESPONSIBILITY FOR CARRYING OUT POLICIES AND PROGRAMS.]
3

4 (AO No. 79-195; AO No. 91-96)

5 **Cross references:** Definitions and rules of construction generally, §
6 1.05.020.

7
8 **3.30.172 Classification.**
9

10 A. Executive positions are classified in the same manner as other
11 municipal positions with the exception that they are allocated to an
12 executive pay level as defined in the executive pay plan.
13

14 B. Assignment of a classification to one of the eight ranges is based on
15 the appointing authority, level and scope of responsibility for policy
16 development and public advocacy, and training and experience
17 necessary to perform the duties. For the purpose of establishing the
18 appropriate compensation for executive classifications, the following
19 eight [SIX] ranges are [HAVE BEEN] established:
20

21 1. 20N - Executive non-exempt, subject to appointment by the
22 assembly, except as otherwise provided in Section 2.20.055 A.
23

24 2. 20E - Executive exempt, subject to appointment by the
25 assembly, except as otherwise provided in Section 2.20.055 A.
26

27 3. 21N - Executive non-exempt, subject to appointment by the
28 mayor.
29

30 4. 21E - Executive exempt, subject to appointment by the mayor.
31

32 5. 22E - Executive exempt, subject to appointment by the mayor,
33 or the Anchorage Equal Rights Commission, or the police and
34 fire retirement board, subject to the approval of the mayor.
35

36 6. 23E - Executive exempt, subject to appointment by the mayor,
37 or the Anchorage Equal Rights Commission, or the police and
38 fire retirement board, subject to the approval of the mayor.
39

40 7. 24E - Executive exempt, subject to appointment by the mayor.
41

42 8. 25E - Executive exempt, subject to appointment by the mayor.
43

44 [20E (FOR ASSEMBLY-APPOINTED CLASSIFICATIONS), 21E (E-1), 22E (E-2),
45 AND 23E (E-3), 24E (E-4) AND 25E (E-5). ASSIGNMENT OF A
46 CLASSIFICATION TO ONE OF THE SIX RANGES IS BASED ON THE APPOINTING
47 AUTHORITY, LEVEL AND SCOPE OF RESPONSIBILITY FOR POLICY DEVELOPMENT
48 AND PUBLIC ADVOCACY, AND TRAINING AND EXPERIENCE NECESSARY TO

PERFORM THE DUTIES.]

C. The following Assembly-appointed classifications are assigned to each range:

1. R[R]ange 20[E]N [, SUBJECT TO APPOINTMENT BY THE ASSEMBLY EXCEPT AS OTHERWISE PROVIDED IN SECTION 2.20.055 A.]:

- a. Clerk's office administrative assistants.
 - b. Secretary to the ombudsman.
 - c. Assembly counsel paralegal.
- 1. MUNICIPAL CLERK
 - 2. DEPUTY MUNICIPAL CLERKS
 - 3. CLERK'S OFFICE ADMINISTRATIVE ASSISTANTS.
 - 4. ASSEMBLY COUNSEL.
 - 5. OMBUDSMAN.
 - 6. ASSISTANT OMBUDSMAN.
 - 7. SECRETARY TO THE OMBUDSMAN.]

2. Range 20E:

- a. Municipal clerk.
- b. Deputy municipal clerks.
- c. Assembly counsel.
- d. Ombudsman.
- e. Assistant ombudsman.

D. The following mayor-appointed classifications are assigned to each range:

1. R[R]ange 21E [, SUBJECT TO APPOINTMENT BY THE MAYOR]:
a [2]. Secretary to the mayor.

2. Range 21N:

- a [1]. Executive administrative assistant.
- b [3]. Special administrative assistant I.

E. The following classifications are assigned to R[r]ange 22E[, SUBJECT TO APPOINTMENT BY THE MAYOR, OR BY THE ANCHORAGE EQUAL RIGHTS COMMISSION OR THE POLICE AND FIRE RETIREMENT BOARD AND SUBJECT TO THE APPROVAL OF THE MAYOR]:

*** *** ***

F. The following classifications are assigned to R[R]ange 23E[, SUBJECT TO APPOINTMENT BY THE MAYOR, OR BY THE ANCHORAGE EQUAL RIGHTS COMMISSION AND SUBJECT TO THE APPROVAL OF THE MAYOR]:

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G. The following classifications are assigned to R[R]ange 24E[, SUBJECT TO APPOINTMENT BY THE MAYOR]:

*** *** ***

H. The following classification is assigned to R[R]ange 25E[, SUBJECT TO APPOINTMENT BY THE MAYOR ARE]:

1. Municipal manager.

*** *** ***

J. The responsible official of each appointing authority is:

1. The chair of the assembly for assembly-appointed executive employees;
2. The chair of the Equal Rights Commission for executive employees of the Commission;
3. The chair of the Police & Fire Retirement Board for executive employees of the Board; and
4. The mayor for all other executive employees.

K. Executive employees are "at will" employees and serve at the pleasure of the mayor or the responsible official of the appointing authority.

(AO No. 79-195; AO No. 91-96; AO No. 92-5(S); AO No. 92-111; AO No. 94-225, § 3, 12-6-94; AO No. 97-103, § 2, 7-1-97; AO No. 98-79, § 1, 5-19-98; AO No. 98-115(S), § 4, 7-1-98; AO No. 2000-101(S), § 1, 9-26-00; AO No. 2001-56, § 1, 2-1-01; AO No. 2001-98, § 1, 5-1-01; AO No. 2001-130, § 1, 8-1-01; AO No. 2001-132, § 1, 8-14-01; AO No. 2002-69, § 3, 5-14-02; AO No. 2002-100, § 1, 7-16-02; AO No. 2002-111, § 1, 8-6-02; AO No. 2002-130, § 1, 9-10-02; Ord. No. 2003-29, § 1, 2-11-03; AO No. 2004-3, § 1, 1-20-04; AO No. 2004-85, § 1, 5-18-04; AO No. 2004-87, § 1, 6-8-04; AO No. 2004-132, § 3, 10-12-04; AO No. 2005-6, § 1, 2-15-05; AO No. 2005-119, § 1, 9-27-05; AO No. 2005-151(S), § 1, 10-25-05)

*** *** ***

3.30.174 Compensation.

Employees appointed to executive positions shall be compensated in accordance with Sections 3.30.121 through 3.30.1212.

A. Pay ranges. Pay ranges for executive employees shall be established by the assembly. The mayor or responsible official of the appointing authority shall determine all aspects of pay, wages, hours, demotion,

1 separation, and all other terms and conditions of employment for
2 executive employees.

3
4 B [A]. *** **

5
6 C [B]. *Minimum and maximum rates.* The minimum and maximum rates for
7 each range classification are as follows:

8
9 1. Ranges 20N and 20E [FOR ASSEMBLY-APPOINTED CLASSIFICATIONS
10 HAS] have no minimum or maximum rates.

11
12 2. Range 21N and 20E (E-1 level):
13 a. Minimum base annual rate, \$27,000.00.
14 b. Maximum base annual rate, \$61,000.00.

15
16 *** **

17 D [C]. *Merit increases.* To the extent feasible, e[E]xecutive employees shall
18 be evaluated at least once each year on or before the merit anniversary
19 date. Executive employees do not receive a merit increase upon their
20 merit anniversary date unless the mayor or the responsible official
21 determines an increase to be appropriate; rather, they may be granted
22 a merit increase by the mayor or the responsible official at any time he
23 determines such action to be warranted.

24
25 E [D]. *Reduction.* Where the mayor or responsible official has determined
26 that the rate of pay assigned to an executive employee is not
27 appropriate for any reason, [HE MAY REDUCE] the employee's rate of pay
28 may be reduced to a lower level upon two weeks' advance notice.
29 Should the rate assigned be lower than the minimum of the range for
30 that position, the mayor or the responsible official shall obtain prior
31 approval from the assembly. Such reduced compensation may later be
32 increased at any time that the mayor or the responsible official
33 determines it may be appropriate.

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35 F [E]. *** **

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37 G [F]. *** **

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39 H [G]. *Reports to assembly.*

40
41 1. Quarterly the mayor will report the names and annual salary of
42 each executive hired in the previous quarter. Once annually the
43 mayor will report total remuneration of each municipal executive
44 to the assembly.

45
46 2. Where the mayor or responsible official of the appointing
47 authority exercises discretionary authority to provide special
48 compensation (inclusive of all benefits including compensatory

1 time) to an executive employee which would not be permitted a
2 nonexecutive employee under chapter 3.30, this action shall be
3 reported in a public document to the assembly within 30 days of
4 the first action providing for the special compensation.

5
6 I [H]. *** **

7
8 (AO No. 79-195; AO No. 86-207(S-1); AO No. 87-137(S); AO No. 88-51; AO
9 No. 91-96; AO No. 97-53, § 1, 5-6-97; AO No. 97-103, § 3, 7-1-97)

10
11 **3.30.175 Overtime.**

12
13 A. *Compensatory time off.*

14
15 1. Executive exempt employees are not entitled to overtime
16 compensation; however, as a result of extraordinary conditions
17 which involve long hours of overtime by the executive, the mayor
18 or responsible official [AS DESCRIBED IN SECTION 3.30.177] may,
19 at his discretion, [MAY] grant such compensatory time off as he
20 deems appropriate.

21
22 2. Executive non-exempt employees are entitled to overtime
23 compensation as follows:

24
25 a. Overtime shall be paid at one and one-half times the
26 employee's regular rate of pay for all hours actually
27 worked in excess of 40 hours in one work week.

28
29 b. For purposes of calculating overtime compensation, time
30 designated by the municipality as any type of holiday or
31 leave shall not be considered as part of the 40 hours to
32 be worked in one work week, before an employee
33 becomes eligible for overtime compensation under this
34 section.

35
36 c. Compensatory time off shall not be permitted.

37
38 d. Temporary shifting of working hours to meet routine
39 departmental or employee needs may be done as
40 necessary, subject to the approval of the department
41 head.

42
43 e. Permanent changes of working hours shall require
44 approval of the department head. When practicable, at
45 least one week's notice shall be given to the employee
46 before a permanent change in working hours takes place.
47 This notice may be waived in emergency situations or
48 with the employee's assent.

1
2 B. *Pay for working on holiday.* The mayor or responsible official as
3 described in Section 3.30.177 may grant compensatory time to an
4 executive exempt employee who works on a holiday in the same
5 manner as overtime.
6

7 (AO No. 79-195; AO No. 86-207(S-1); AO No. 87-137(S); AO No. 96-55, § 3,
8 4-2-96)
9

10 **3.30.176 Dismissal, demotion, [AND] suspension, reclassification and**
11 **reassignment.**
12

13 Employees occupying an executive position are appointed by, and serve at the
14 pleasure of the responsible official for the appointing authority [THE MAYOR, AND
15 SERVE AT HIS PLEASURE]. As such, the responsible official may dismiss, demote
16 or suspend any employee occupying an executive position for any reason, or
17 no reason, without right of grievance or appeal.
18

19 (AO No. 79-195; AO No. 88-51; AO No. 94-117, § 33, 7-26-94)
20

21 **3.30.177 Exceptions to rules; authority of mayor or other responsible**
22 **official.**
23

24 A. The requirements of Sections 3.30.170 through 3.30.178 apply fully to
25 all executive employees and are the only rules which apply to executive
26 employees except as otherwise provided by the mayor or responsible
27 official as provided in this chapter.
28


29 B. Except as specifically stated in this Rule 17, executive employees do
30 not have a right to a grievance procedure or appeal regarding the
31 application or alleged violation or misapplication of the rules herein.
32

33 [FOR ASSEMBLY EXECUTIVE EMPLOYEES, THE RESPONSIBLE OFFICIAL IS THE
34 CHAIRMAN OF THE ASSEMBLY. FOR THE EQUAL RIGHTS COMMISSION
35 EXECUTIVE EMPLOYEES, THE RESPONSIBLE OFFICIAL IS THE CHAIRMAN OF THE
36 COMMISSION. EXECUTIVE EMPLOYEES OF THE MUNICIPALITY SERVE AT THE
37 WILL OF THE MAYOR OR RESPONSIBLE OFFICIAL AS STATED IN THIS SECTION.
38 PAY RANGES FOR EXECUTIVES SHALL BE ESTABLISHED BY THE ASSEMBLY.
39 THE MAYOR OR RESPONSIBLE OFFICIAL SHALL DETERMINE ALL ASPECTS OF
40 PAY, WAGES, HOURS, DEMOTION, SEPARATION, AND ALL OTHER TERMS AND
41 CONDITIONS OF EMPLOYMENT FOR EXECUTIVE EMPLOYEES. WHERE THE
42 MAYOR OR RESPONSIBLE OFFICIAL AS STATED IN THIS SECTION EXERCISES
43 THIS DISCRETIONARY AUTHORITY TO PROVIDE SPECIAL COMPENSATION
44 (INCLUSIVE OF ALL BENEFITS INCLUDING COMPENSATORY TIME) TO AN
45 EXECUTIVE EMPLOYEE WHICH WOULD NOT BE PERMITTED A NONEXECUTIVE
46 EMPLOYEE UNDER CHAPTER 3.30, THIS ACTION SHALL BE REPORTED IN A
47 PUBLIC DOCUMENT TO THE ASSEMBLY MEMBERS WITHIN 30 DAYS OF THE
48 FIRST ACTION PROVIDING FOR THE SPECIAL COMPENSATION.]


(AO No. 79-195; AO No. 86-207(S-1); AO No. 87-137(S))

Section 2. This ordinance shall become effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 7th day of July, 2009.


Chair

ATTEST:


Municipal Clerk

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MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2009-84

Title: **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE
 CHAPTER 3.30, SECTIONS 3.30.171 – 3.30.177, RULE 17, EXECUTIVES,
 TO UPDATE EXECUTIVE CLASSIFICATIONS AND CLARIFY
 PERMISSIBLE USE OF OVERTIME AND COMP TIME.**

Sponsor: ASSEMBLY & ACTING MAYOR
 Preparing Agency: Dept. of Law
 Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:	(In Thousands of Dollars)				
	FY09	FY10	FY11	FY12	FY13
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	\$ -
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	\$ -
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp					

PUBLIC SECTOR ECONOMIC EFFECTS:

Amendment to Anchorage Municipal Code; no economic impact.

PRIVATE SECTOR ECONOMIC EFFECTS:

Amendment to Anchorage Municipal Code; no economic impact.

Prepared by: Dept. of Law

Telephone: 343-4545

MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 385-2009

Meeting Date: June 23, 2009

1 **From: ASSEMBLY CHAIR & ACTING MAYOR**

2
3 **Subject: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE**
4 **CHAPTER 3.30, SECTIONS 3.30.171 – 3.30.177, RULE 17,**
5 **EXECUTIVES, TO UPDATE EXECUTIVE CLASSIFICATIONS AND**
6 **CLARIFY PERMISSIBLE USE OF OVERTIME AND COMP TIME.**
7

8 This ordinance amends and clarifies classifications of executive employees in
9 Ranges 20 (Assembly office) and 21 (Mayor's office) to comply with the
10 requirements of FLSA.

11
12 The positions remain executive employees but are distinguished under FLSA as
13 either exempt, salaried employees, not subject to overtime, or non-exempt, hourly
14 employees, subject to overtime provisions of the FLSA. The distinctions in this
15 ordinance were created based upon the descriptions of each position and the
16 parameters for exempt vs. non-exempt employees required by the FLSA.

17
18 **THE ASSEMBLY AND ACTING MAYOR RECOMMEND APPROVAL OF AN**
19 **ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 3.30,**
20 **SECTIONS 3.30.171 – 3.30.177, RULE 17, EXECUTIVES, TO UPDATE**
21 **EXECUTIVE CLASSIFICATIONS AND CLARIFY PERMISSIBLE USE OF**
22 **OVERTIME AND COMP TIME.**

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24 Submitted by:

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28 DEBBIE OSSIANDER, ASSEMBLY CHAIR
29 MATT CLAMAN, ACTING MAYOR
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31

Content ID: 007890

Type: Ordinance - AO

Title: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 3.30, SECTIONS 3.30.171 – 3.30.177, RULE 17, EXECUTIVES, TO UPDATE EXECUTIVE CLASSIFICATIONS AND CLARIFY PERMISSIBLE USE OF OVERTIME AND COMP TIME

Author: westoverrf

Initiating Dept: Legal

Review Depts: MuniManager

Description: AO AMENDING AMC SECTIONS 3.30.171 – 3.30.177, RULE 17, EXECUTIVES, TO UPDATE EXEC CLASSIFICATIONS & CLARIFY PERMISSIBLE USE OF OT & COMP TIME.

Keywords: Personnel rules, Rule 17, executives, overtime, comp time

Date Prepared: 6/19/09 12:05 PM

Director Name: James N. Reeves

Assembly Meeting Date: 6/23/09

Public Hearing Date: 7/7/09

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	6/19/09 12:23 PM	Exit	Joy Maglaqui	Public	007890
MuniMgrCoord_SubWorkflow	6/19/09 12:23 PM	Approve	Joy Maglaqui	Public	007890
MuniManager_SubWorkflow	6/19/09 12:23 PM	Approve	Joy Maglaqui	Public	007890
Legal_SubWorkflow	6/19/09 12:12 PM	Approve	Rhonda Westover	Public	007890
AllOrdinanceWorkflow	6/19/09 12:11 PM	Checkin	Rhonda Westover	Public	007890

A. Alder