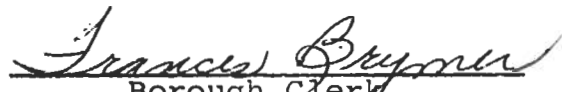


ORDINANCE CERTIFICATION

I certify that upon final enactment of Ordinance No. 81-88 of the Kenai Peninsula borough, this certification of the actions taken by me conforms with the rules and regulations governing ordinances.

1. Publication: Publication has been made by causing a summary of this ordinance to be inserted one time in a newspaper of general circulation in the borough. One copy of this ordinance as set for hearing, together with Notice of Hearing has been mailed to the city clerks of each first class city in the borough and to each postoffice in the borough with a request for posting on the City Hall and Post Office bulletin boards for 10 days immediately following receipt.
2. After adoption of this ordinance, one copy will be mailed to the city clerk of each first class city in the borough.

This ordinance was enacted by the assembly of the Kenai Peninsula Borough on the 1 day of September, 1981 and will become effective immediately upon enactment.


Borough Clerk

Date:

Introduced by: Mayor
Date: August 4, 1981
Hearing: September 1, 1981
Vote: 10 Yes; 2 No
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 81-88

AMENDING TITLE 3 OF THE BOROUGH CODE OF ORDINANCE RELATING TO PERSONNEL.

WHEREAS, the Assembly has enacted Title 3 of the Borough Code, which provides for a merit system for the employment, promotion, retention, discipline and discharge of employees; and

WHEREAS, it is desirable to amend the Borough Code from time to time to reflect changing working conditions and administrative experience with the Borough Code and to provide for greater flexibility; and

WHEREAS, the 1981 Agreement between the Borough and its classified employees, which has been ratified by the Assembly and the Kenai Borough Employees Association, provides that certain middle management personnel will be exempted from union coverage upon enactment of an ordinance providing for the terms and conditions of their employment;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That Chapter 3.04 of the Borough Code is amended by adding a new section, to be numbered 3.04.290, which reads:

3.04.290. Middle management Service-Definition -Employment. A. The middle management service to the Borough shall consist of those salaried and hourly paid personnel who are not designated as "classified" employees of the Borough pursuant to Section 3.04.060 or those personnel designated as "administrative" pursuant to Section 3.04.070 or those personnel designated as "legislative" pursuant to Section 3.04.061.

B. Middle management personnel shall be appointed by the Mayor from lists of candidates for such positions. Lists of candidates for each position shall be maintained for a period of six months or until the list has been reduced to three (3) active

candidates. New lists will be established at the direction of the Mayor or the administrative officer.

C. The salary of middle management personnel shall be established by the Mayor, and confirmed by the Assembly, from time to time in the same manner as salary assignments for Borough executives and administrative personnel.

D. Middle management service personnel shall be accorded the same benefits and conditions of employment as accrue to executive and administrative personnel of the Borough.

E. The provisions of Chapter 3.04 which are applicable to administrative and executive personnel shall also be applicable in the same degree to middle management service personnel.

Section 2. That Chapter 3.04 of the Borough Code is amended by adding a new section, to be numbered 3.04.300, which reads:

3.04.300. Middle management service-Disciplinary Procedures. A. Any middle management service employee who is suspended, demoted, reduced in pay, or discharged from the middle management service may appeal that decision.

B. The following procedures shall be used for appeal. The affected employee shall request a hearing through the Mayor's office before a Management Disciplinary Review Board consisting of three (3) experienced managers who are not affiliated with the Borough and who are appointed by the Mayor to staggered terms. Initially, one member shall be appointed to a one year term, one member shall be appointed to a two year term, and one member shall be appointed to a three year term. Upon expiration of the initial appointments, each member of the Board shall be appointed to a three year term. The Board, through its Chairman, shall schedule a hearing within 15 working days after notice of the appeal, at which time the reasons for the action shall be reviewed. Within five days following the close of the hearing, the Board shall render a written decision and set forth the reasons upon which the decision is based.

C. If the appellant is not satisfied with the decision of the Management Disciplinary Review Board, he or she may appeal to the Assembly to review the action and findings of the Board.

Section 3. That Section 3.04.100(A) is amended to read

3.04.100. Positions of employment--Employment lists--Appointing authority. A. The Assembly shall authorize, either through the Borough's approved annual budget, or by resolution, all positions of employment in the classified service. The Mayor or any administrative officer designated by the Mayor shall make each appointment in the classified service from among the top three candidates of a list of candidates who have qualified for that appointment and who have met minimum qualifications, including where applicable, successful completion of a written examination, an in-person interview, a performance evaluation, a physical examination, and the recommendation of the head of the department wherein each appointment is to be made.

Section 4. That Section 3.04.120 is amended to read:

3.04.120. Pay plant--Salary schedule--Classified service. The assembly shall, from time to time, adopt by resolution or by enactment of the annual Borough operating budget a pay plan wherein each position in the classified service will be assigned a pay range, designated by a number and a salary schedule, wherein each pay range is established. The increments between each step within a range, if used, shall be nearly equal in value to every other step within the range.

Section 5. That Section 3.04.130 is amended to read:

3.04.130. Pay plan--Administrative service. The assembly shall, from time to time, adopt either through the approved annual Borough operating budget or by resolution a pay and benefits plan for administrative employees which may assign to each position a pay range as if that position were covered by Section 3.04.120 of this code, or the assembly may upon recommendation of the Mayor assign a single monthly or annual salary to specific positions.

Section 6. That Section 3.04.150 is amended to read:

3.04.150. Pay plan--On-call and part-time personnel. The assembly may, from time to time, adopt either through the approved annual Borough operating budget or by resolution rates of pay and benefits for certain on-call and part-time personnel. Such rates of pay shall be designated at an hourly rate.

Section 7. That Section 3.04.160 is amended to read:

3.04.150. Benefits--Vacation--Working conditions--Holidays. The assembly shall from time to time adopt, either through the approved annual Borough operating budget or by resolution, a policy regarding the normal hours of work, holidays with pay, vacation leave with pay, sick leave, maternity leave, military leave, employee insurance coverages, and other benefits with pay, or benefits without pay.

Section 8. That Section 3.04.180 of the Borough Code is repealed.

Section 9. That Section 3.04.190(C) of the Borough Code is repealed.

Section 10. That Section 3.04.200 of the Borough Code is amended to read:

3.04.200. Overtime compensation. The assembly shall from time to time adopt either through the approved annual Borough operating budget or by resolution, a policy regarding overtime work compensation for the various categories of employees.

Section 11. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 1 DAY OF September, 1981.

Paul A. Fischer.
Paul Fischer, Assembly President

ATTEST:

Francis Gypner
Borough Clerk

Kenai Peninsula Borough
Ordinance 81-88
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