

Introduced by: Mayor
Date: Feb. 4, 1986
Hearing: April 1, 1986
Vote:
Action:
Referred to Local Affairs Comm.

KENAI PENINSULA BOROUGH 4/1/86 Postponed to 6/17/86
ORDINANCE 86-8 (SUBSTITUTE) 6/17/86 TABLED

REPEALING CHAPTER 3.04; ENACTING CHAPTERS 3.06, 3.08, 3.10, 3.12, 3.14, AND 3.16; AND AMENDING/DELETING OTHER PROVISIONS CONTAINED IN THE KENAI PENINSULA BOROUGH CODE OF ORDINANCES TO CONFORM WITH TITLE 3.

WHEREAS, the current Chapter 3.04 under Title 3, Personnel, is in need of complete revision; and

WHEREAS, the Kenai Peninsula Borough withdrew from coverage by state labor statutes in 1972 and no local labor policies currently exist; and

WHEREAS, it is desirous to adopt a new personnel code to provide for updated, clear, complete, and specific set of personnel policies;

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

Section 1. That Chapter 3.04 of the Kenai Peninsula Borough Code of Ordinances is repealed in its entirety.

Section 2. That new Chapters 3.06, 3.08, 3.10, 3.12, 3.14, and 3.16 are enacted to read:

Title 3

PERSONNEL

Chapters:

<u>3.06</u>	<u>General Provisions</u>
<u>3.08</u>	<u>Service Categories</u>
<u>3.10</u>	<u>Employment Categories, Pay, and Benefits</u>
<u>3.12</u>	<u>Disciplinary and Non-Disciplinary Actions</u>
<u>3.14</u>	<u>Miscellaneous Provisions</u>
<u>3.16</u>	<u>Labor Relations</u>

Chapter 3.06

GENERAL PROVISIONS

Sections:

- 3.06.010 Purpose.
- 3.06.020 Equal Employment Opportunity.
- 3.06.030 Standards of conduct.
- 3.06.040 Political activities.
- 3.06.050 Safeguarding information.
- 3.06.060 Gifts, gratuities, or favors.
- 3.06.070 Furnishing required reports and information.
- 3.06.080 Falsification of records.
- 3.06.090 Arrest, indictment, or conviction for criminal offenses.
- 3.06.100 Nepotism.
- 3.06.110 Legal liability.
- 3.06.120 Personnel manual.
- 3.06.130 Strikes, slowdowns, stoppages, and sickouts.
- 3.06.140 Emergency suspension.

3.06.010 Purpose. This title has been enacted, as authorized by AS §29.20.410, to provide for a personnel administration system for the Kenai Peninsula Borough.

3.06.020 Equal Employment Opportunity. All personnel decisions and actions affecting applicants and employees shall be made without regard to race, color, age, sex, creed, religion, national origin, marital status, political affiliation, or mental/physical handicap unless a bona fide occupational qualification.

3.06.030 Standards of conduct. Employees shall at all times conduct themselves in an exemplary manner befitting the public service in which they are employed.

3.06.040 Political activities. No employee shall use his official authority or influence for interfering with an election.

3.06.050 Safeguarding information. Employees will not discuss or disclose official records and business of the borough at any time except as necessary to discharge official duties. It is the borough's policy to prohibit prior distribution of official information not available to the general public to individuals who would gain an advantage not accorded others.

3.06.060 Gifts, gratuities, or favors. An employee shall not accept a gift, gratuity, or favor from any person

doing business or likely to do business with the borough and shall immediately report to the Personnel Officer any offer, promise or suggestion that such be made.

3.06.070 Furnishing required reports and information.

It is each employee's duty to report and furnish information, whether favorable or unfavorable, regarding matters of official interest as may be required by competent authority, including supervisors and investigative officials. Refusal to furnish required reports or information, or deliberate concealment or misrepresentation of material facts in a report or statement, will constitute grounds for separation or other disciplinary action.

3.06.080 Falsification of records.

Any employee who, for the purpose of concealing or misrepresenting a material fact, willfully or unlawfully alters, falsifies, or destroys, or causes to be altered, falsified, or destroyed official borough documents, records, or files, regardless of motive, is subject to separation or other disciplinary action.

3.06.090 Arrest, indictment, or conviction for criminal offenses.

A. Conviction of a felony, and in some instances of a lesser crime, may constitute a basis for disciplinary action, including separation if a nexus exists between the offense and the employee's job and/or the public image of the borough. The mere fact of an arrest or indictment on a charge of a criminal offense is not a basis for disciplinary action. However, the alleged misconduct itself, stated in specific terms, may be the basis for disciplinary action, regardless of any arrest, indictment, conviction, or even acquittal in judicial proceedings. Disciplinary action on charges of misconduct or delinquency need not wait upon a conviction of an employee for a criminal offense. Likewise, an employee's acquittal on an indictment charging him with committing a criminal offense does not invalidate prior disciplinary action or prohibit subsequent disciplinary action for the cause that resulted in the arrest or indictment, as long as the disciplinary action is independent of the judicial proceedings.

B. Any employee arrested or indicted for any offense, excluding minor traffic violations, will report the arrest or indictment to the Personnel Officer for appropriate action, whether or not the conduct resulting in the arrest or indictment occurs on or off duty.

C. Refusal or failure of an employee to make a report of arrest or indictment will constitute grounds for separation or other disciplinary action.

3.06.100 Nepotism. To prevent favoritism and collusion, members of the same family will not be appointed, employed, promoted or advanced in or to a position where a direct supervisory relationship exists, where favored treatment can ensue, where the job relationship increases the potential for collusion, or where such personnel action has been advocated by a member of the same family who has the authority to take or recommend such action. Members of the same family will be considered to be father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or any individual residing in the same household.

3.06.110 Legal liability. An employee of the borough may be denied legal support of the borough if the cause of action against the employee was the result of the employee acting outside the scope of his position, or working within the scope of his position but acting in a grossly negligent manner.

3.06.120 Personnel manual. The Mayor shall publish a personnel manual which will contain detailed policies and procedures for administering the borough's personnel system. The manual will be approved by assembly resolution prior to initial implementation. The policies and procedures in the manual must conform to this code, applicable resolutions, and the approved annual borough operating budget. Any changes to the manual, except for strictly administrative procedures, must be approved by assembly resolution or the approved annual borough operating budget.

3.06.130 Strikes, slowdown, stoppages, and sickouts. Employees may not advocate or participate in strikes, slowdowns, stoppages, or sickouts. Employees violating this provision will be subject to appropriate disciplinary action including separation with no severance pay.

3.06.140 Emergency suspension. This title and resolutions adopted under its authority may be suspended temporarily, in whole or in part, by the Mayor in the event of a natural disaster or major civil disturbance.

Chapter 3.08

SERVICE CATEGORIES

Sections:

- 3.08.010 Executive service.
- 3.08.020 Administrative service.
- 3.08.030 Confidential and supervisory service.
- 3.08.040 Classified service.
- 3.08.050 Volunteer service.
- 3.08.060 On-call/temporary service.

3.08.010 Executive service. The executive service shall consist of regular full-time paid employees who are the Administrative Officer, department heads, and the head management official of each service area. Members of the executive service are appointed by, and serve at the pleasure of, the Mayor, except for the Borough Clerk who is appointed by the assembly. Appointment of the Borough Attorney and Finance Director shall be confirmed by the assembly. The executive service may not be part of any collective bargaining unit.

3.08.020 Administrative service. The administrative service shall consist of regular full-time and regular part-time paid employees in managerial, administrative or professional positions as designated by assembly resolution or the approved borough operating budget. Members of the administrative service are appointed by the Mayor, except for the Deputy Borough Clerk who is appointed by the Borough Clerk. The administrative service may not be part of any collective bargaining unit.

3.08.030 Confidential and supervisory service. The confidential and supervisory service shall consist of regular full-time and regular part-time paid employees in confidential or sensitive secretarial/clerical positions and bona fide supervisors as designated by assembly resolution or the approved borough operating budget. Members of the confidential and supervisory service are appointed by the Mayor. The confidential and supervisory service may not be part of any collective bargaining unit.

3.08.040 Classified service. The classified service shall consist of regular full-time and regular part-time paid employees not otherwise designated as executive, administrative, confidential, or supervisory employees under Section 3.08.010, 3.08.020, and 3.08.030 respectively of this code.

The classified service is the Kenai Borough Employees Association collective bargaining unit.

3.08.050 Volunteer service. The volunteer service shall consist of individuals who donate their time for public service although they may be paid expenses and/or a nominal fee for their time and services. The volunteer service may not be part of any collective bargaining unit.

3.08.060 On-call/temporary service. The on-call/temporary service shall consist of paid employees who are in temporary positions, are filling in for regular employees, or have no set work schedule. The on-call/temporary service may not be part of any collective bargaining unit.

Chapter 3.10

EMPLOYMENT CATEGORIES, PAY, AND BENEFITS

Sections:

- 3.10.010 Employment categories.
- 3.10.020 Pay.
- 3.10.030 Benefits.

3.10.010 Employment categories. A. Regular full-time. Regular full-time employees are those individuals in continuing positions who have a regularly scheduled workweek of 40 hours or more.

B. Regular part-time. Regular part-time employees are those individuals in continuing positions who have a regularly scheduled workweek of 20 to 39 hours.

C. Temporary full-time. Temporary full-time employees are those individuals hired for a specific period of time. These employees have a regularly scheduled workweek of 40 hours or more.

D. Temporary part-time. Temporary part-time employees are those individuals hired for a specific period of time. These employees have a regularly scheduled workweek of 20 to 39 hours.

E. On-call. On-call employees are those individuals hired to perform jobs with no set schedule or a regularly scheduled workweek of less than 20 hours.

F. Volunteers. Volunteers are not employees of the borough.

3.10.020 Pay. A. Pay for executive and administrative service employees shall be established for each fiscal year on the recommendation of the Mayor and by assembly resolution or the approved annual borough operating budget. The Mayor shall consider the pay recommendations of service area boards for applicable employees. The approved pay shall be in the form of a maximum annual salary. The Mayor may establish an individual's pay at less than the maximum salary as he deems appropriate.

B. Pay for confidential, supervisory, and classified employees shall be based on the grade of the position they occupy. Prior to each fiscal year a wage schedule, to be effective for the entire fiscal year establishing minimum and maximum hourly rates for each grade, shall be established by assembly resolution, the approved annual borough operating budget, and/or the approved agreement between the Kenai Peninsula Borough and the Kenai Borough Employees Association.

C. Pay for on-call and temporary employees shall be established by the Mayor or his designee. The Mayor shall consider the pay recommendations of service area boards for applicable employees.

D. Volunteers shall not be paid an hourly rate. They may be reimbursed for expenses and receive a nominal fee for each time they perform volunteer duties. These rates will be established by the Mayor. The Mayor shall consider the recommendations of service area boards for applicable employees. Compensation for volunteers must conform with the Fair Labor Standards Act.

3.10.030 Benefits. A. Executive and administrative service employees shall receive vacation leave, sick leave, administrative leave, court leave, injury leave, maternity leave, paid holidays, an annual physical examination, health insurance, life insurance, and travel insurance. They may also participate in a deferred compensation program funded entirely by employee contributions.

B. Confidential, supervisory, and classified service employees shall receive vacation leave, sick leave, court leave, injury leave, maternity leave, paid holidays, health insurance, life insurance, and travel insurance.

C. On-call, volunteer, and temporary service employees shall not receive benefits, except that service areas may provide on-call employees and volunteers health, life, and travel insurance.

3.10.040 Other compensation. A. Executive and administrative service employees shall receive, if eligible, per diem, car allowance, mileage allowance, uniform allowance, uniform maintenance allowance, meal allowance, and severance pay. Overtime compensation is not authorized.

B. Confidential, supervisory, and classified service employees shall receive, if eligible, per diem, car allowance, mileage allowance, uniform allowance, uniform maintenance allowance, meal allowance, and severance pay. Overtime, standby, and call-back pay are authorized.

C. On-call and temporary service employees are authorized overtime. They shall also receive, if eligible, per diem and a mileage allowance.

Chapter 3.12

DISCIPLINARY AND NON-DISCIPLINARY ACTIONS

Sections:

- 3.12.010 Disciplinary actions.
- 3.12.020 Non-disciplinary actions.
- 3.12.030 Documentation.
- 3.12.040 Appeals procedures.
- 3.12.050 Issuing authority.
- 3.12.060 Personnel action review committee.

3.12.010 Disciplinary actions. Oral reprimands, written reprimands, suspensions of up to 60 calendar days, demotions, and disciplinary separations are authorized disciplinary actions. Except for oral reprimands where no advance notice is required, an advance notice of seven calendar days shall be provided an employee who will, in turn, be allowed four calendar days to reply. The advance notice and reply periods may be extended only by, and strictly at the discretion of, the administration.

3.12.020 Non-disciplinary actions. Counseling, warning notices, demotions, and non-disciplinary separations are authorized non-disciplinary actions. Except for counselings where no advance notice is required, an advance notice of seven calendar days shall be provided an employee who will, in turn, be allowed four calendar days to reply. The advance notice and reply periods may be extended only by, and strictly at the discretion of, the administration.

3.12.030 Documentation. An Employee Discussion Record shall be maintained by each supervisor/manager for their subordinates to document oral reprimands and counseling sessions. The Employee Discussion Record will also be used to document any important discussions, whether positive or negative, between the supervisor/manager and their subordinates. Written reprimands, suspensions, demotions, separations, and warning notices will be documented in letter form and filed in the Official Personnel Folder.

3.12.040 Appeals procedures. Except for counselings, warning notices, oral reprimands, and written reprimands, which may all be appealed to the appropriate department head if issued at a lower level, disciplinary and non-disciplinary actions may be appealed to the Mayor, or in his absence, the Administrative Officer. Separations, demotions, and suspensions of 30 to 60 calendar days may be appealed to the Personnel Action Review Committee which will be the final reviewing authority.

3.12.050 Issuing authority. A. Counselings, warnings letters, oral reprimands, and written reprimands may be issued by the immediate supervisor or any other official in the employee's chain of command.

B. Suspensions of less than 30 calendar days may be issued by the department head, Personnel Officer, or Administrative Officer.

C. Suspensions of 30 to 60 calendar days, demotions, and separations may be issued by the Personnel Officer or Administrative Officer.

D. In lieu of the above, and except for the Borough Clerk, all disciplinary and non-disciplinary actions against executive service employees shall be issued by the Mayor or, in his absence, the Administrative Officer. Disciplinary actions against the Borough Clerk shall be issued by the Assembly.

3.12.060 Personnel action review committee. The Mayor shall establish a Personnel Action Review Committee to act as the final reviewing authority for disciplinary and non-disciplinary actions appealable to the committee. The committee shall be comprised of six non-employee citizens of the Kenai Peninsula Borough. The Mayor shall recommend committee members to the assembly which will approve membership by resolution. Three members of the committee, one of whom will be designated as chairman by the Mayor, will meet as necessary to review authorized appeals which are filed in a proper and timely manner. The decision of the committee shall be final and binding upon the administration. Detailed procedures for the appeals procedure shall be contained in the Personnel Manual.

Chapter 3.14

MISCELLANEOUS PROVISIONS

Sections:

- 3.14.010 Paydays.
- 3.14.020 Payroll deductions.
- 3.14.030 Hours of work.
- 3.14.040 Position establishment.
- 3.14.050 Appointments to regular positions.
- 3.14.060 Resignations.
- 3.14.100 Other provisions.

3.13.010 Paydays. Employees will be paid every two weeks on the Friday following the end of each two-week pay period. Pay periods will run from 12:01 AM on Monday to 12:00 PM on Sunday for a two week period.

3.14.020 Payroll deductions. If eligible or required by law, labor agreement or other applicable regulations, the following deductions will be withheld from each employee's paycheck: Federal income tax, FICA, PERS retirement contributions, deferred income, labor dues, coffee fund, IRS wage attachments, voluntary assignments to financial institutions, monies owed the borough resulting from an employment relationship, and any other taxes provided for by state or federal law.

3.14.030 Hours of work. Normal work hours shall be established by the Mayor. Different hours from the normal work hours may be designated by the Mayor or department head for a particular position, section, or department or to meet particular circumstances.

3.14.040 Position establishment. Establishment of regular positions shall be at the recommendation of the Mayor and approved by assembly resolution or the annual operating budget. Each position shall be assigned a maximum salary level or pay grade and have a job title and description.

3.14.050 Appointments to regular positions. When a regular position is available to the general public, the Personnel Officer shall, as a minimum, post a vacancy notice in the Personnel Office and publish an announcement of at least three days (for daily publications) and one day (for weekly publications) in the local newspaper with the largest circulation in the locality where the vacant position exists. Applications for the vacancy will be accepted through the closing date contained in the announcement. The most qualified individual(s) will be interviewed for the position.

The department head, with the concurrence of the Personnel Officer, will determine who is/are the most qualified. Final selection will be made by the department head with the concurrence of the Personnel Officer. If all who are initially interviewed are determined to be unsuitable, other candidates who applied may be interviewed or the vacancy may be reannounced with a new closing date. Applications will be good only for the one vacant position applied for.

3.14.060 Resignations. Classified employees resigning their position shall give 14 calendar days notice of their intent. Executive, administrative, confidential, and supervisory employees resigning their position shall give 30 calendar days notice of their intent. Failure to give proper notice shall be a factor to be considered in any future employment decisions.

3.14.100 Other provisions. The assembly shall, by resolution or the operating budget, adopt personnel policies not specifically covered by this code. These policies will include, but not be limited to, performance evaluation reports, merit increases, internal promotions/transfers/demotions, official travel, outside employment, and wage setting policies and procedures.

Chapter 3.16

LABOR RELATIONS

Sections:

- 3.16.010 General.
- 3.16.020 Membership.
- 3.16.030 Dues.
- 3.16.040 Scope of bargaining unit.
- 3.16.050 Representation.
- 3.16.060 By-laws.
- 3.16.070 Voting.
- 3.16.080 Agreements.
- 3.16.090 Strikes, slowdowns, stoppages, sickouts.
- 3.16.100 Scope of bargaining.
- 3.16.110 De-certification as exclusive bargaining representative.
- 3.16.120 Certification as exclusive bargaining representative.

3.16.010 General. The Kenai Borough Employees Association (KBEA) is recognized as the exclusive representative for classified service employees of the borough. This recognition will remain in effect as long as a majority of the classified employees desire the KBEA to be their exclusive representative.

3.16.020 Membership. Classified employees may join or refrain from joining the KBEA at the time of initial appointment. Employees may join or withdraw from the KBEA at any time following initial appointment upon presenting 30 calendar days prior notice to the KBEA and the Personnel Office.

3.16.030 Dues. Membership dues may be assessed and collected only from those employees who elect to join the KBEA. Deductions will be made beginning with the first pay period following membership. Cancellation of dues deductions will be made beginning with the first pay period following withdrawal. The dues amount will be contained in the by-laws.

3.16.040 Scope of bargaining unit. The KBEA is the exclusive representative for all classified employees without regard to membership. All agreements between the borough and the KBEA, following assembly approval, will be binding and applicable to all classified employees.

3.16.050 Representation. The KBEA must represent any and all members of the bargaining unit in complaint/grievance/appeal proceedings if so requested by the employee(s).

3.16.060 By-laws. The KBEA will develop and submit for assembly approval within 90 days of adoption of this code, its complete operating by-laws. The assembly will approve, modify, or reject all or any portion of the by-laws by resolution. Any changes to the approved by-laws must be approved by the assembly.

3.16.070 Voting. All voting by KBEA members related to rejection or election of association-wide officials shall be conducted and reviewed by the Borough Clerk. All voting by members of the bargaining unit related to affiliation or non-affiliation shall be conducted and reviewed by the Borough Clerk. KBEA by-laws must incorporate these procedures.

3.16.080 Agreements. Collective bargaining agreements between the borough and KBEA will be effective only after assembly approval. The agreement shall be for a period of not less than one year or more than three years. Any agreement must contain complaint/grievance/appeals procedures which are the exclusive remedy available to employees who are KBEA members at the time a complaint/grievance/appeal is initiated and must contain binding arbitration as the last step in the complaint/grievance/appeal process.

3.16.090 Strikes, slowdowns, stoppages, sickouts. Neither the KBEA as a whole or any of its members may advocate or participate in a strike, work slowdown or stoppage, or sickout. Violation of this provision will result in appropriate disciplinary action including separation with no severance pay.

3.16.100 Scope of bargaining. The KBEA may enter into collective bargaining negotiations for the following items: annual across-the-board wage increases; procedures for permanent promotions, transfers, and non-disciplinary demotions of classified employees into classified positions; a complaint/grievance/appeal process; reduction-in-force procedures; vacation and sick leave; and paid holidays. The KBEA may not negotiate or seek concessions on all other matters which are reserved as management rights.

3.16.110 De-certification as exclusive bargaining representative. Within 30 calendar days of presentation of a petition to the Borough Clerk to withdraw exclusive representation rights from the KBEA, an election will be held to determine the desires of all employees in the bargaining unit.

The petition must be signed by no less than 30% of the employees in the bargaining unit. Employees not in the bargaining unit may not advocate, at any time, continuation or termination of the KBEA. The decision of the majority of voting unit employees will control the status of the KBEA. If

a decision to abolish is made, the KBEA will cease to be the exclusive bargaining representative 30 calendar days following the Borough Clerk's report of the election results to the assembly. All agreements between the borough and the KBEA will become null and void at that time.

3.16.120 Certification as exclusive bargaining representative. Should no exclusive bargaining representative exist for classified service employees and within 30 calendar days of presentation of a petition to the Borough Clerk to grant exclusive representation rights to an exclusive bargaining representative, an election will be held to determine the desires of all employees to be included in the unit.

The petition must be signed by no less than 30% of the employees in the bargaining unit. Employees not in the bargaining unit may not advocate, at any time, whether or not an exclusive bargaining representative should be certified by classified employees. The decision of the majority of voting unit employees will control the status of an exclusive bargaining representative. If a decision to certify is made, the exclusive bargaining representative will be recognized 30 calendar days following the Borough Clerk's report of the election results to the assembly. The borough administration and the exclusive bargaining unit shall enter into collective bargaining negotiations following assembly recognition, approval of unit by-laws, and approval of negotiating procedures.

Section 3. That various provisions in Title 16 are amended/deleted as follows:

(1) 16.12.110 Chief--Appointment, qualifications and removal criteria. The chief shall be appointed and removed by the borough mayor, after recommendation from the service area boards. [FOR AN INDEFINITE PERIOD OF TIME, AND HIS TENURE OF OFFICE SHALL DEPEND UPON HIS GOOD CONDUCT AND EFFICIENCY.] The chief shall be technically qualified by training and experience and shall have ability to command [MEN] subordinates and hold their respect and confidence. [HE SHALL BE REMOVED ONLY FOR JUST CAUSE AND AFTER A PUBLIC HEARING BEFORE THE BOROUGH ASSEMBLY.]

(2) 16.12.120 Chief--Accountability, report duty and authority. The Chief shall be held accountable to the borough mayor and service area board only, and shall make written and verbal reports thereto as the borough mayor and service area board may require. [ALL OTHER DEPARTMENT AND COMPANY OFFICERS SHALL BE ACCOUNTABLE TO THE CHIEF ONLY.]

(3) [16.12.130 CHIEF--APPOINTMENT POWERS--ACCOUNTABILITY OF OFFICERS. THE ASSISTANT CHIEFS AND ALL OTHER DEPARTMENT AND COMPANY OFFICERS SHALL BE APPOINTED BY THE CHIEF. SUCH OFFICERS SHALL BE ACCOUNTABLE ONLY TO THE CHIEF, AND SUBJECT TO REMOVAL BY HIM.]

(4) 16.12.230 Members--Appointment--Qualifications--Medical and physical examination. The membership of the department shall consist of such persons as may be appointed by the chief and shall be able-bodied [MALE] citizens residing within the service area, preferably [PROPERTY OWNERS] whose business activities are normally within the confines of the service area, and who have telephones in their homes. Determination of whether candidates for appointment are able-bodied shall be made by the chief after a medical and physical examination has been made in a manner prescribed by the chief and approved by the the borough mayor.

(5) [16.12.240 MEMBERS--SUSPENSION OR DISCHARGE AUTHORITY--PUBLIC HEARING WHEN. ANY MEMBER OF THE DEPARTMENT MAY BE SUSPENDED OR DISCHARGED FROM THE DEPARTMENT BY THE CHIEF AT ANY TIME HE MAY DEEM SUCH ACTION NECESSARY FOR THE GOOD OF THE DEPARTMENT. ON WRITTEN REQUEST OF SUCH MEMBER TO THE BOROUGH ASSEMBLY HE SHALL BE GIVEN A PUBLIC HEARING ON THE CHARGES BROUGHT BY THE CHIEF.]

(6) 16.28.130 Fire chief--Appointment [QUALIFICATIONS] and removal. The fire chief [AND SUCH OTHER ADMINISTRATIVE OFFICERS AS MAY BE PROVIDED FOR] shall be appointed and removed by the mayor after recommendation from the service area board. [THE TENURE OF THESE OFFICES SHALL BE BASED UPON GOOD AND FAITHFUL PERFORMANCE OF THE REQUIRED DUTIES ASSIGNED TO THESE POSITIONS, SUBJECT TO REMOVAL BY THE MAYOR ON OR UPON THE RECOMMENDATION OF THE SERVICE AREA BOARD AS PROVIDED FOR PARTIALLY EXEMPT PERSONNEL IN TITLE 3 OF THE KENAI PENINSULA BOROUGH CODE OF ORDINANCES.]

(7) 16.28.140 Fire chief--Accountability. The fire chief and other administrative officers shall be held accountable to the mayor and the service area board only, and they shall make written and verbal reports to the mayor and the service area board as required by the mayor and the service area board. [ALL OTHER SERVICE AREA EMPLOYEES BELOW THE STAFF LEVEL SHALL BE ACCOUNTABLE TO THE FIRE CHIEF ONLY OR TO SUCH ADMINISTRATIVE OFFICERS AS ARE DESIGNATED BY THE MAYOR AND THE SERVICE AREA BOARD.]

(8) 16.40.130 Officer--Appointment [QUALIFICATIONS] and removal. The mayor, with the concurrence of the service area board, [EMERGENCY MEDICAL SERVICE AND AMBULANCE SERVICE AREA BOARD, WITH THE CONCURRENCE OF THE MAYOR,] may appoint and remove a chief [OR ELECT SUCH] administrative officer as the board and the Mayor may deem necessary. [THE TENURE OF THESE OFFICERS SHALL BE BASED UPON GOOD AND FAITHFUL PERFORMANCE OF THE REQUIRED DUTIES ASSIGNED TO THESE POSITIONS, SUBJECT TO REMOVAL BY THE MAYOR ON OR UPON THE RECOMMENDATION OF THE SERVICE AREA BOARD AS PROVIDED FOR PARTIALLY EXEMPT PERSONNEL IN TITLE 3 OF THE KENAI PENINSULA BOROUGH CODE OF ORDINANCES.] The chief administrative officer shall administer policy as set by the service area board.

(9) 16.40.140 Emergency medical services director--Accountability. The emergency medical services director and other administrative officers shall be held accountable to the Mayor and the service area board only, and they shall make written and verbal reports to the Mayor and the service area board as required by the Mayor and the service area board. [ALL OTHER SERVICE AREA EMPLOYEES BELOW THE STAFF LEVEL SHALL BE ACCOUNTABLE TO THE EMERGENCY MEDICAL SERVICES DIRECTOR ONLY OR TO SUCH ADMINISTRATIVE OFFICERS AS ARE DESIGNATED BY THE MAYOR AND THE SERVICE AREA BOARD.]

(10) 16.44.120 Director--Appointment [QUALIFICATIONS] and removal. The director [AND SUCH OTHER ADMINISTRATIVE OFFICERS AS MAY BE PROVIDED FOR] shall be appointed and removed by the mayor after recommendation from the service area board. [THE TENURE OF THESE OFFICES SHALL BE BASED UPON GOOD AND FAITHFUL PERFORMANCE OF THE REQUIRED DUTIES ASSIGNED TO THESE POSITIONS, SUBJECT TO REMOVAL BY THE MAYOR ON OR UPON THE RECOMMENDATION OF THE SERVICE AREA BOARD AS PROVIDED FOR PARTIALLY EXEMPT PERSONNEL IN TITLE 3 OF THIS CODE.]

(11) 16.44.130 Director--Accountability. The director and other administrative officers shall be held accountable to the mayor and the service area board only, and they shall make written and verbal reports to the mayor and the service area board as required by the mayor and the service area board. [ALL OTHER SERVICE AREA EMPLOYEES BELOW THE STAFF LEVEL SHALL BE ACCOUNTABLE TO THE DIRECTOR ONLY OR TO SUCH ADMINISTRATIVE OFFICERS AS ARE DESIGNATED BY THE MAYOR AND THE SERVICE AREA BOARD.]

(12) 16.48.120 Director--Appointment [QUALIFICATIONS] and removal. The director [AND SUCH OTHER ADMINISTRATIVE OFFICERS AS MAY BE PROVIDED FOR] shall be appointed and removed by the mayor after recommendation from the service area board. [THE TENURE OF THESE OFFICES SHALL BE BASED UPON GOOD AND FAITHFUL PERFORMANCE OF THE REQUIRED DUTIES ASSIGNED TO THESE POSITIONS, SUBJECT TO REMOVAL BY THE MAYOR ON OR UPON THE RECOMMENDATION OF THE SERVICE AREA BOARD AS PROVIDED FOR PARTIALLY EXEMPT PERSONNEL IN TITLE 3 OF THIS CODE.]

(13) 16.48.130 Director--Accountability. The director and other administrative officers shall be held accountable to the mayor and the service area board only, and they shall make written and verbal reports to the mayor and the service area board as required by the mayor and the service area board. [ALL OTHER SERVICE AREA EMPLOYEES BELOW THE STAFF LEVEL SHALL BE ACCOUNTABLE TO THE DIRECTOR ONLY OR TO SUCH ADMINISTRATIVE OFFICERS AS ARE DESIGNATED BY THE MAYOR AND THE SERVICE AREA BOARD.]

(14) 16.52.120 Director--Appointment [QUALIFICATIONS] and removal. The director [AND SUCH OTHER ADMINISTRATIVE OFFICERS AS MAY BE PROVIDED FOR] shall be appointed and removed by the mayor after recommendation from the service area board. [THE TENURE OF THESE OFFICES SHALL BE BASED UPON GOOD AND FAITHFUL PERFORMANCE OF THE REQUIRED DUTIES ASSIGNED TO THESE POSITIONS, SUBJECT TO REMOVAL BY THE MAYOR ON OR UPON THE RECOMMENDATION OF THE SERVICE AREA BOARD AS PROVIDED FOR PARTIALLY EXEMPT PERSONNEL IN TITLE 3 OF THIS CODE.]

(15) 16.52.130 Director--Accountability. The director and other administrative officers shall be held accountable to the mayor and the service area board only, and they shall make written and verbal reports to the mayor and the service area board as required by the mayor and the service area board. [ALL OTHER SERVICE AREA EMPLOYEES BELOW THE STAFF LEVEL SHALL BE ACCOUNTABLE TO THE DIRECTOR ONLY OR TO SUCH ADMINISTRATIVE OFFICERS AS ARE DESIGNATED BY THE MAYOR AND THE SERVICE AREA BOARD.]

(16) 16.56.120 Director--Appointment [QUALIFICATIONS] and removal. The director [AND SUCH OTHER ADMINISTRATIVE OFFICERS AS MAY BE PROVIDED FOR] shall be appointed and removed by the mayor after recommendation from the service area board. [THE TENURE OF THESE OFFICES SHALL BE BASED UPON GOOD AND FAITHFUL PERFORMANCE OF THE REQUIRED DUTIES ASSIGNED TO THESE POSITIONS, SUBJECT TO REMOVAL BY THE MAYOR ON OR UPON THE RECOMMENDATION OF THE SERVICE AREA BOARD AS PROVIDED FOR PARTIALLY EXEMPT PERSONNEL IN TITLE 3 OF THIS CODE.]

(17) 16.56.130 Director--Accountability. The director and other administrative officers shall be held accountable to the mayor and the service area board only, and they shall make written and verbal reports to the mayor and the service area

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Section 4. That this ordinance shall take effect immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 1986.

Betty J. Glick, Assembly President

ATTEST:

Borough Clerk

