

Introduced by:	Mayor
Date:	03/13/01
Hearing:	04/17/01
Action:	Enacted
Vote:	9 Yes, 0 No

**KENAI PENINSULA BOROUGH
ORDINANCE 2001-07**

**AN ORDINANCE DESIGNATING CERTAIN ADMINISTRATIVE
EMPLOYEES AS MIDDLE MANAGEMENT AND MODIFYING THEIR
DISCIPLINARY APPEAL PROCEDURES**

WHEREAS, there are currently no management employees designated as middle management;
and

WHEREAS, KPB 3.04.290 allows for such designation; and

WHEREAS, such designation provides middle managers with disciplinary action and
termination appeal rights; and

WHEREAS, these rights will help in the recruitment and retention of management employees;
and

WHEREAS, the appeal process outlined in KPB 3.04.300 can be streamlined and clarified;

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

SECTION 1. That the attached list designating certain positions as middle management is
approved and is incorporated by reference.

SECTION 2. That the attached list may be modified from time to time either by resolution or
through the annual budgeting process.

SECTION 3. That KPB 3.04.290(A) is amended as follows:

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] middle management employees by assembly resolution or through the
annual budgeting process.

SECTION 4. That KPB 3.04.290 is amended as follows:

3.04.290. Middle management service – Disciplinary and termination appeal procedures.

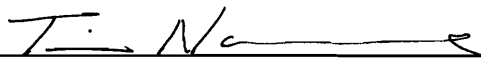
A. Any middle management service employee who is suspended, demoted, reduced in pay, or discharged from the middle management service may appeal that decision to the mayor.

B. The following procedures shall be used for appeal if the employee is not satisfied with the mayor's final decision. The affected employee shall request a hearing through the mayor's office before a management disciplinary [REVIEW] appeal board consisting of 3 assembly members appointed by the assembly president [EXPERIENCED MANAGERS WHO ARE NOT AFFILIATED WITH THE BOROUGH AND WHO ARE APPOINTED BY THE MAYOR TO STAGGERED TERMS. INITIALLY, 1 MEMBER SHALL BE APPOINTED TO A 1-YEAR TERM, 1 MEMBER SHALL BE APPOINTED TO A 2-YEAR TERM, AND 1 MEMBER SHALL BE APPOINTED TO A 3 YEAR TERM. UPON EXPIRATION OF THE INITIAL APPOINTMENTS, EACH MEMBER OF THE BOARD SHALL BE APPOINTED TO A 3-YEAR TERM.] The board, through its [CHAIRMAN] chairperson, 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 5 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. The decision shall be binding upon the administration.

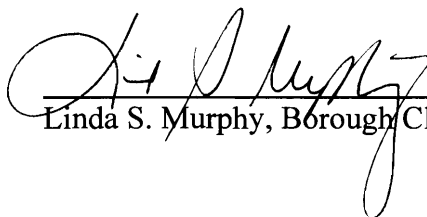
[C. IF THE APPELLANT IS NOT SATISFIED WITH THE DECISION OF THE MANAGEMENT DISCIPLINARY REVIEW BOARD, HE OR SHE MAY APPEAL TO THE ASSEMBLY TO REVIEW THE ACTION AND FINDINGS OF THE BOARD.]

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

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17TH DAY OF APRIL, 2001.


Timothy Navarre, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk

