

Introduced by:	Mayor
Date:	06/19/01
Hearing:	08/07/01
Action:	Enacted
Vote:	9 Yes, 0 No

**KENAI PENINSULA BOROUGH
ORDINANCE 2001-22 (MAYOR) SUBSTITUTE**

**AN ORDINANCE ESTABLISHING THE CONFIDENTIAL SERVICE AND
DESIGNATING THEIR DISCIPLINARY APPEAL PROCEDURES**

WHEREAS, certain hourly paid employees are not included in the collective bargaining unit by virtue of their positions; and

WHEREAS, their conditions of employment should be clarified; and

WHEREAS, their appeal process for disciplinary and termination actions should be the same as those afforded to the middle management service; and

WHEREAS, employees in the borough clerk's office are employed by the borough assembly while the other confidential service employees are employed by the mayor; and

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

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

SECTION 1. That KPB 3.04.305 is hereby enacted to read as follows:

[2.3.305] 3.04.305. Confidential Service.

- A. The confidential service shall consist of non-management, hourly paid employees not included in the collective bargaining unit and not in the classified service as negotiated between the administration and the Kenai Borough Employees Association.
- B. Confidential service employees shall be subject to the same wages, benefits and other conditions of employment as the classified service.

SECTION 2. That KPB 3.04.306 is hereby enacted to read as follows:

[2.1.1] 3.04.306. Confidential Service - Disciplinary and Termination Appeal Procedures.

- A. Any confidential service employee, other than those employed in the borough clerk's office, who is suspended, demoted, reduced in pay, or discharged may appeal that decision to the mayor within 15 calendar days of service of notice of the action. Any

confidential service employee who is employed in the borough clerk's office who is suspended, demoted, reduced in pay, or discharged may appeal that decision to the assembly president within 15 calendar days of service of notice of the action.

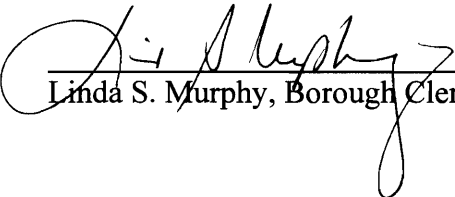
- B. The following procedures shall be used for appeal, if the employee is not satisfied with either the mayor's or assembly president's final decision, as appropriate. The affected employee of the mayor shall request a hearing through the mayor's office, and the affected employee of the assembly shall request a hearing through the assembly president. The hearing shall be held before a disciplinary appeal board consisting of three assembly members appointed by the assembly president. The board, through its 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 five working 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 and the assembly.

SECTION 3. That this ordinance shall take effect immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7TH DAY OF AUGUST, 2001.


Timothy Navarre, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk

