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| Introduced by: | Mayor |
| Date: | 08/19/03 |
| Hearing: | 09/16/03 |
| Action: | Enacted as Amended |
| Vote: | 9 Yes, 0 No |

**KENAI PENINSULA BOROUGH
ORDINANCE 2003-35**

**AN ORDINANCE ESTABLISHING AN INITIAL PROBATIONARY PERIOD FOR
MIDDLE MANAGEMENT EMPLOYEES AND AN APPEAL DEADLINE FOR
DISCIPLINARY MEASURES**

WHEREAS, Ordinance 2001-07 established disciplinary and termination appeal procedures for middle management employees; and

WHEREAS, the initial twelve-month period of employment should be a probationary period not subject to appeal in order to provide adequate time to evaluate the employee's job performance; and

WHEREAS, a deadline for appealing disciplinary decisions to the mayor is needed in KPB 3.04.300(A) to ensure that such cases are addressed promptly;

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

SECTION 1. That KPB 3.04.300 is amended as follows:

3.04.300. Middle management service—Disciplinary and termination appeal procedures.

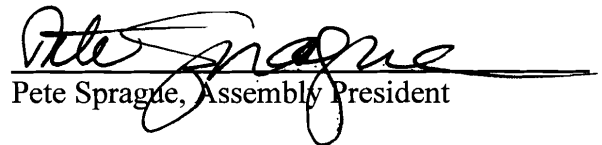
A. Any middle management service employee who is suspended, demoted, reduced in pay, or discharged from the middle management service may appeal that decision to the mayor in writing within fourteen calendar days of notice of the decision.

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 appeal board consisting of three assembly members appointed by the assembly president. The board, through its chairperson, shall schedule a hearing within [15 WORKING] 21 calendar days after notice of the appeal, at which time the reasons for the action shall be reviewed. Within [FIVE] seven calendar 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.

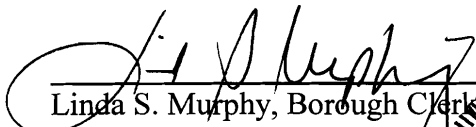
C. The first twelve months of employment shall be considered a probationary period. Probationary middle management employees may be discharged if, in the sole opinion of the mayor, they will not reach satisfactory status within the twelve months. Discharges under such circumstances are not subject to the appeal procedures described in paragraphs (A) and (B) above.

SECTION 2. That this ordinance shall take effect immediately upon enactment, provided that employees with potential appeals under KPB 3.04.300(A) shall have 14 calendar days from the effective date of this ordinance to file any such appeal.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF SEPTEMBER, 2003.


Pete Sprague, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk

