

Introduced by: Superman
Date: 04/21/09
Hearing: 05/19/09
Action: Enacted
Vote: 7 Yes, 2 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2009-23**

**AN ORDINANCE DESIGNATING CERTAIN ADMINISTRATIVE EMPLOYEES AS
UPPER MANAGEMENT AND PROVIDING FOR DISCIPLINARY AND
TERMINATION APPEAL PROCEDURES**

WHEREAS, the borough code provides middle management and confidential employees with an appeal process for disciplinary action and termination appeal rights; and

WHEREAS, no similar provisions exist for upper management personnel; and

WHEREAS, including such rights in the code is expected to help in the recruitment and retention of upper management personnel;

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

SECTION 1. That KPB 3.04.283 is hereby enacted as follows:

3.04.283. Upper management service—Definition—Employment.

- A The upper management service to the borough shall consist of those administrative personnel who are directors of borough departments and other positions designated as upper management employees by assembly resolution or through the annual budgeting process.
- B. Upper management service personnel shall be accorded the same benefits and conditions of employment as accrue to other administrative personnel of the borough.

SECTION 2. That KPB 3.04.285 is hereby enacted as follows:

3.04.285. Upper management service—Disciplinary and termination appeal procedures.

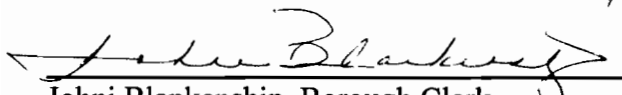
- A. Any upper management service employee other than the Chief Executive Officer or Special Assistant to the Mayor, or other similar position, who is suspended, demoted, reduced in pay, or discharged from the upper management service may appeal that decision to the mayor in writing within 14 calendar 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. Within 14 calendar days of notice of 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 21 calendar days after receipt by the mayor's office of the request for a hearing, at which time the reasons for the action shall be reviewed. Within 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 12 months of employment shall be considered a probationary period. Probationary upper management employees may be discharged if, in the sole opinion of the mayor, they will not reach satisfactory status within the 12-month period. Discharges under such circumstances are not subject to the appeal procedures described in paragraphs (A) and (B) above.

SECTION 3. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 19TH DAY OF MAY, 2009.


 Milli Martin, Assembly President

ATTEST:


 Johni Blankenship, Borough Clerk



Yes: Knopp, Long, Smalley, Smith, Sprague, Superman, Martin
 No: Fischer, Pierce
 Absent: None