

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 2.52.410 AND MSB 2.52.690 TO REQUIRE LEGAL REVIEW WHERE AN EMPLOYEE IS BEING DISMISSED FROM EMPLOYMENT.

AGENDA OF: August 5, 2019.

ASSEMBLY ACTION:

adopted without objection 8-20-19

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: _____

Route to:	Department/Individual	Initials	Remarks
	Originator	NS	For Assemblymember Leonard
	HR Director	<i>df for SC</i>	
	Borough Attorney	<i>NS</i>	
	Borough Clerk	<i>jam</i>	<i>7/27/19</i>

ATTACHEMENTS: Fiscal Note: Yes ___ No X
Ordinance Serial No. 19-099 (3 pp)

SUMMARY STATEMENT: This ordinance is being presented at the request of Assemblymember Leonard.

Borough code currently contains steps for progressive discipline for all represented employees. In addition, code contains optional progressive discipline for employees not covered by union representation.

This amendment will add a condition that before proceeding to dismissal of an employee (i.e. termination) a confidential legal review will be obtained. The purpose of the review is to ensure defensible actions and mitigate potential risks involved. Legal review is not intended to supplant the decision making process of the appointing authority when deciding to dismiss or terminate an employee. Rather, the intent is to have an objective review of the circumstances leading to the proposed dismissal, assist in ensuring legal compliance, and to protect the interests of the Matanuska-Susitna Borough. As with all personnel actions the appointing authority retains the decision on how to proceed, and the intent of this ordinance is to assist in making sure that such decisions are well informed.

It is the intent of this ordinance that the legal review be obtained before the employee is given notice of the intent to dismiss. The appointing authority may request the review directly, or with the assistance of Human Resources.

In addition, legal reviews and advice under this code provision will be the same as all other legal advice rendered to the Matanuska-Susitna Borough. Legal advice to the appointing authority is not available to the public, affected employee, or other employees, directors, or supervisors who are uninvolved in the action. Nothing in the proposed changes to the code is intended to waive or diminish any privileges (i.e. the attorney work produce privilege, the attorney/client privilege of confidentiality, etc.).

RECOMMENDATION OF ADMINISTRATION: Adoption of legislation.