

CODE ORDINANCE

Sponsored by: Assemblymember Leonard
Introduced: 08/06/19
Public Hearing: 08/20/19
Adopted: 08/20/19

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 19-099**

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.

WHEREAS the intent and rationale for this ordinance are contained in Informational Memorandum No. 19-130 and any discussions by the Assembly.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of section. MSB 2.52.410 is hereby amended to read as follows:

2.52.410 DISCIPLINE AND DISCHARGE.

(A) The tenure of an employee with status shall continue during good behavior and satisfactory performance. If an employee fails to perform in accordance with the employees' obligations in this code, or for other reasons, the employer may for cause take action as follows:

- (1) a written notice;
- (2) denial of pay step increase;

(3) involuntary transfer to another classification or another position of the same class without reduction in grade or salary;

(4) demotion;

(5) suspension without pay; or

(6) dismissal, provided that before proceeding to dismissal, the appointing authority will obtain a confidential legal review of the proposed dismissal from the Borough Attorney's Office.

(B) This section shall not apply to executive employees of the borough appointed under MSB 2.52.640.

Section 3. Amendment of section. MSB 2.52.690 is hereby amended to read as follows:

2.52.690 DISCIPLINE AND DISCHARGE OF EXECUTIVE AND EXEMPT EMPLOYEES.

(A) Except as otherwise provided in any agreement between the assembly and an executive employee appointed by the assembly or an exempt employee, the appointing authority may discipline executive and exempt employees under the appointing authority's supervision in any manner the appointing authority deems appropriate, including, but not limited to:

(1) a written reprimand;

(2) a verbal reprimand;

(3) involuntary transfer to another classification or another position of the same grade without a reduction in grade or salary;

(4) demotion;


(5) suspension without pay; and

(6) [DISCHARGE] dismissal, provided that before proceeding to dismissal, the appointing authority will obtain a confidential legal review of the proposed dismissal from the Borough Attorney's Office.


(B) Except as otherwise provided in an agreement between the assembly and an executive employee appointed by the assembly or an exempt employee, all executive and exempt employees serve at the pleasure of their appointing authority and may be dismissed at any time with or without cause by the employees' respective appointing authority. No dismissal of an executive or exempt employee may become effective until the appointing authority has obtained a confidential legal review of the proposed dismissal from the Borough Attorney's Office and the employee is [FIRST] given a statement of reasons for the dismissal.

Section 3. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this 20 day
of August, 2019.


VERN HALTER, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk
(SEAL)

PASSED UNANIMOUSLY: Sykes, Beck, McKee, Leonard, Mayfield, Sumner,
and Boeve