

Introduced by: Mayor  
Date: 12/09/14  
Hearing: 01/06/15  
Action: Enacted  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2014-40**

**AN ORDINANCE AMENDING KPB 3.04.030, EMPLOYEE CONDUCT  
REQUIREMENTS, TO ADDRESS THE PASSAGE OF BALLOT MEASURE NO. 2  
LEGALIZING MARIJUANA, AND TO REFERENCE THE USE OF, OR IMPAIRMENT  
BY, CONTROLLED SUBSTANCES**

**WHEREAS,** KPB 3.04.030 was adopted in 1967 and sets forth basic borough employee conduct requirements; and

**WHEREAS,** in 1989, KPB 3.04.030 was amended to specifically prohibit employees and volunteers from using, or being impaired by the use of, alcohol or illegal drugs at the workplace; and

**WHEREAS,** it is necessary to update this section of code to account for other types of drug use that may impair an employee's ability to conduct themselves in a manner fitting of a government employee; and

**WHEREAS,** specifically, Alaska Ballot Measure No. 2, An Act to Tax and Regulate the Production, Sale, and Use of Marijuana, was passed by the voters in the November 4, 2014 statewide election, making the use and possession of marijuana legal within certain limits; and

**WHEREAS,** the Kenai Peninsula, like many other areas of the state and the nation, has seen a rise in the abuse of prescription drugs and other controlled substances, and employee impairment by such substances is not addressed under the current version of KPB 3.04.030; and

**WHEREAS,** impairment by drugs or alcohol in the workplace can result in an increased safety risk to employees, their co-workers, and the public; and

**WHEREAS,** updating KPB 3.04.030 to appropriately address the range of substances that may cause impairment and impact an employee's conduct and ability to perform their job duties will bring the code into alignment with the current legal landscape regarding legal, controlled, and illegal drugs;

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

SECTION 1. That KPB 3.04.030 is hereby amended as follows:

**3.04.030. Employee conduct requirements.**

Borough employees are required at all times to conduct themselves in an exemplary manner befitting the public service in which they are employed. Employees and volunteers shall not use or be impaired by the use of marijuana, alcohol, controlled substances or illegal drugs at the workplace. Employees or volunteers who are prescribed marijuana or other controlled substances by a physician as part of a medical treatment plan may work unless impaired by their use.

SECTION 2. That this ordinance takes effect immediately upon its enactment.

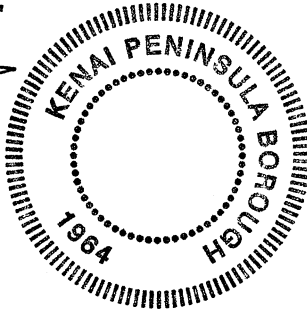
**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY OF JANUARY, 2015.**

*Dale Z Bagley*

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Dale Bagley, Assembly President

ATTEST:

*Johni Blankenship*  
\_\_\_\_\_  
Johni Blankenship, MMC, Borough Clerk



Yes: Cooper, Haggerty, Gilman, Johnson, McClure, Ogle, Welles, Wolf, Bagley

No: None

Absent: None