



KENAI PENINSULA BOROUGH

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**MIKE NAVARRE
BOROUGH MAYOR**

MEMORANDUM

TO: Dale Bagley, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *MN*
Dale Bagley, Assembly President *DLB*

FROM: Stormy Brown, Director of Human Resources *SB*

DATE: December 23, 2014

SUBJECT: Ordinance 2015- 01, An Ordinance Amending KPB 3.04.160 to Allow the Administration to Establish Personnel Policies for Administrative Employees and Repealing Resolution 2011-087

KPB 3.04.160, last amended over 30 years ago, states that the assembly will adopt a policy for various personnel matters via the budget process or by resolution, and has in recent years been applied to policies developed to address administrative employees and employees in the clerk's office who are not covered by the Collective Bargaining Agreement (CBA). Historically, the assembly's involvement in these matters has largely been related to the approval of the funding and the value of employment benefits, rather than the specific policy parameters or details. However, the more recent practice of gaining assembly approval of detailed personnel policies, in addition to fiscal approval, has made the management of personnel policies for administrative employees more cumbersome.

Policies related to employment conditions, and the related practices and procedures of managing them, must be subject to regular, timely updates in order to remain relevant and in compliance with various laws. For that reason, it is important that the policies are readily amendable, and that the administration has the authority to govern their implementation. The borough currently has a number of administrative personnel policies that are out of date, and in some cases, out of compliance with local, state or federal law. For example, the Personnel Policy, approved by the assembly through resolution 2011-087, covers 27 different topics and is in dire need of significant updates in all but seven of those policy areas. Some updates are needed, for example, due to changes in employment benefits, changes in state or federal law, and conflict between policy terms and borough code. Furthermore, some of the topics in the policy adopted through resolution 2011-087 were simply copied from the CBA, even though some of the terms do not legally apply to exempt employees.

In order to ensure that the administration can timely address necessary policy changes for administrative employees as the need arises, the administration is requesting an update to this section of the code. If confirmed, the recommended language will maintain the assembly's existing power to approve the fiscal terms of employment for administrative employees, while allowing the administration to appropriately manage the details of processes and procedures related to these personnel policy topics. The assembly will also maintain the authority to adopt personnel policies for the clerk and deputy clerk, either by reference to administrative personnel policies or through the adoption of policies specific to the clerk and deputy clerk. It should also be noted that nothing in this section of the code impacts the assembly's authority to approve the collective bargaining agreement and the policies established therein for non-exempt employees.

Your support of this ordinance would be appreciated.