CODE ORDINANCE

By: Borough Manager
Introduced: 01/18/05
Public Hearing: 02/01/05
Adopted: 02/01/05

MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 05-021

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 2.52.160(C), EMPLOYMENT RESTRICTIONS CONCERNING NEPOTISM.

WHEREAS, the Borough ordinances under the Matanuska-Susitna Borough Code 2.52.160 prohibits employment of relatives in a supervisory capacity to each other; and

WHEREAS, it is found that prohibition against employing persons who are related where one may serve in a supervisory capacity over another may eliminate an otherwise qualified person to serve in the best interest of the public in the provision of emergency fire, ambulance, and rescue responses; and

WHEREAS, it is recognized that it would be potentially adverse to have a person in a direct supervisory position over an immediate family member.

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 subsection. MSB 2.52.160(C) is hereby amended to read as follows:

(C) Nepotism. **It is the policy of the Matanuska-Susitna Borough to practice non-discrimination in hiring and promoting its workforce.** No employee shall suffer a discharge, demotion**,** or other arbitrary action [BY THE EMPLOYER] when circumstances find an employee and a

member of the employee's immediate family working within contact of each other. [NO EMPLOYEE SHALL BE DISCRIMINATED AGAINST FOR PROMOTION WHEN, AS A RESULT, THE EMPLOYEE WOULD BE IN CONTACT WITH ANOTHER MEMBER OF THE EMPLOYEE'S IMMEDIATE FAMILY.] However, no employee may serve in a supervisory capacity over a member of the employee's immediate family[.]**, except as noted in paragraph (3) below.** "Immediate family" shall be defined[, concerning this section,] as spouse, children, mother, father, or other close relation that resides permanently with the employee.

(1) The Matanuska-Susitna Borough will not hire or promote the immediate family of current borough employees within the same department where:

(a) one of the parties would have authority to supervise, appoint, discharge, or discipline the other;

(b) one party would be responsible for evaluating the work of the other; or

(c) other circumstances exist that might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the borough.

(2) If two employees marry or otherwise become related, as defined by immediate family, and in the borough's judgment the potential problems noted above exist or reasonably could exist, neither of the employees

will be allowed to hold supervisory authority, as identified in subparagraph (1)(a) above, over the other one.

(3) Due to the unique staffing necessary to provide effective emergency services to the various communities within the borough, the following factors will apply:

(a) During an emergency response to an accident or disaster, the incident commander of the situation will have authority over all employees reporting to the incident scene regardless of familial relationship. However, immediate family members of the incident commander will be assigned at the incident scene to report to another officer as quickly as is appropriate without jeopardizing or endangering the incident response.

(b) In situations where the availability of qualified emergency response staff is limited, every effort will be made to insert a non-related officer of the service as the first line supervisor between the commanding officer and the related employee to prevent supervision from occurring between family members.

(c) In the event that an employee must necessarily serve in a subordinate or supervisory capacity to another family member within the same service, all decisions and actions regarding interviewing and selection, performance evaluations, promotion,

demotion, investigation, termination, or disciplinary action will be carried out by the next higher supervisor of the service up to the department director level, or the director's designee.

Section 3. Effective date. This ordinance amendment shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

ADOPTED by the Matanuska-Susitna Borough Assembly this 1 day of February, 2005.

/S/

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TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

/S/

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MICHELLE M. MCGEHEE, CMC, Borough Clerk

(SEAL)

YES: Woods, Allen, Colberg, Kvalheim, Simpson, and Colver

NO: Vehrs