

HAINES BOROUGH  
ORDINANCE 07-09-169

# Adopted

AN ORDINANCE OF THE HAINES BOROUGH AMENDING TITLE 2 TO CHANGE CERTAIN PAYDAY AND PREDISCIPLINARY HEARING REQUIREMENTS.

BE IT ORDAINED:

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

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 4. Title 2, Section 2.76.150 is amended to allow for direct deposit time requirements; Section 2.82.080 is amended to match the state law deadline for issuing final pay; and Section 2.82.110 is amended to allow a longer time period to provide findings of fact after a predisciplinary hearing. These sections are amended as follows:

PLEASE NOTE: **Items** are to be added;  
~~Strikethrough~~ items are to be deleted.

### **2.76.150 Paydays.**

All personnel will be paid no later than the ~~third~~ **fourth** working day following the end of each pay period. Pay periods end the fifteenth and the last day of each month.

### **2.82.080 Final pay.**

An employee who has resigned, giving adequate notice, or who is being dismissed without notice, shall be paid in full within ~~24 hours~~ **three (3) business days** of the time the employment terminates. An employee who is leaving without giving adequate notice shall not be entitled to receive wages until the next regular payday.

### **2.82.110 Predisciplinary hearing.**

Before implementing an action of a department head or supervisor to dismiss, demote, or reduce the salary of an employee for disciplinary reasons, the employee shall be afforded an opportunity for a hearing on the matter.

A. Notice to Employee. An employee who is being considered for dismissal, demotion, or salary reduction under this section shall be given a clear and concise written statement of the facts and circumstances which the supervisor believes may justify the employee's dismissal, demotion, or salary reduction. All pertinent information shall be part of the personnel file, which the employee should have also been given a copy of and/or is entitled to review a copy. If the supervisor's report adequately describes the facts and circumstances upon which it is based, the borough manager may adopt it by reference with or without supplementing it through an additional statement and supporting materials. In describing the facts and circumstances believed to justify the employee's dismissal, demotion, or salary reduction, the borough manager is not restricted to matters addressed by the employee's supervisor. The borough manager's notice to the employee shall state that the employee's dismissal, demotion, or salary reduction for cause or disciplinary reasons is being reviewed and shall notify the employee of the date, time and place set for a predisciplinary hearing as provided below.

B. Hearing Procedure.

1. The borough manager shall conduct a predisciplinary hearing at the time and place specified in the notice to the employee. The employee's supervisor may attend the predisciplinary hearing. The borough manager shall create a record which identifies all documentary and other evidence reviewed or relied upon and shall conduct the hearing in such a manner as to afford the employee a full and fair opportunity to present a defense by testimonial and other evidence. The employee may be accompanied and assisted by legal counsel or any other representative of the employee's choice. The employee may testify, present other witnesses, and offer other relevant evidence into the record. The hearing shall be recorded and the audio record kept for at least six months. The testimony of a witness (including the employee) shall be under oath.

2. If the employee alleges that the dismissal, demotion, or salary reduction would violate or has violated the borough charter, code, personnel rules and regulations, or department rules and regulations pertaining to the action being contemplated, the employee shall specify the alleged violation with particularity no later than the close of the predisciplinary hearing.

3. If the employee declines or fails to attend a predisciplinary hearing, the employee shall be deemed to have waived the right to a hearing.

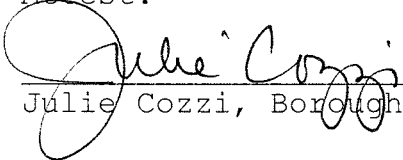
4. After considering the submissions and arguments at the predisciplinary hearing and reviewing the record as a whole,

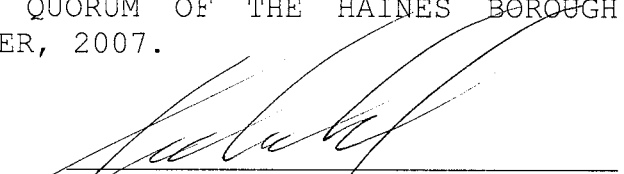
the borough manager shall prepare written findings of fact and a final decision. If the decision is for dismissal, demotion, or salary reduction, it shall specify an effective date.

5. ~~A c~~Confidential copies of the ~~findings of fact and~~ the notice of termination shall be provided to the employee by regular mail within five working days of the close of the hearing. **A confidential copy of the findings of fact shall be provided to the employee by regular mail within twenty days of the close of the hearing.**

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY ON THE 23<sup>rd</sup> DAY OF OCTOBER, 2007.

Attest:

  
Julie Cozzi, Borough Clerk

  
Fred Shields, Borough Mayor

Date Introduced: 09/25/07  
Date of First Public Hearing: 10/09/07  
Date of Second Public Hearing: 10/23/07

