

October 12, 2020

To: Haines Borough Assembly members, Mayor

From: Debra Schnabel 

Re: Borough Employment Agreements with Borough Officers

The proposal before the Assembly for direct agreement between the Assembly and officers of the Borough exclusive of the manager is concerning because it creates dual authority over certain employees identified as officers.

Officers are a subset of personnel distinguished by two characteristics: (1) they are borough employees that serve at the pleasure of the Assembly; and (2) their services are bonded by the Borough.

Article 5 of the Haines Borough Charter describes the Executive Branch of our local government wherein the manager is the chief personnel officer that appoints all department heads except officers. Officers are to serve at the pleasure of the Assembly (appoint and dismiss) but "work under the direct supervision of the manager." The Charter further directs the Assembly to adopt provisions for appointing and dismissing officers, and we find that direction in code:

Borough Code 2.04.030 provides that "officers serve at the pleasure of the assembly and work under the direct supervision of the manager." The charter and code are consistent in that regard. Code language further clarifies what serving at the pleasure of the assembly means: "borough officers shall be appointed by the assembly and shall be removed only by the assembly."

In practice, this arrangement should encourage individuals serving as officers to be respectful, collaborative and motivated to resolve conflict within the confines of administration. Behaving otherwise necessarily draws any conflict into the political arena of the Assembly and the public.

The challenge in this arrangement comes in directing and evaluating performance. The manager, not the Assembly, is charged with supervising officers, yet the manager is denied the ultimate authority to dismiss that employee or even seek agreement with that employee except through a political process.

The proposal before the Assembly to create a documented agreement directly between the Assembly and officers regarding employment conditions goes beyond appointment and dismissal. It usurps the manager's authority. The proposed agreements attempt to define conditions of employment and evaluate performance. It is not practicable for the Assembly to direct, oversee or evaluate the day-to-day activities of personnel. Code recognizes this by providing that personnel perform duties "as the code and the manager requires." [Example: HBC 2.28.020] Generally, job descriptions are the purview of management. This proposed assumption of administrative oversight will complicate a manager's ability to supervise. It also interferes with a manager's responsibility to design a personnel team that functions within the limitations of the budget and in response to the Assembly's stated goals.

Your consideration is appreciated.