



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Ward and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Marcie Scott, Director of Human Resources
Rod Uyeda, Chief of Police

DATE: August 15, 2006

SUBJECT: Consideration of Resolution Updating and Amending the City's Personnel Rules Regarding Applications and Applicants (Rule VI)

RECOMMENDATION:

Staff recommends that the City Council approve Resolution No. 6054 amending the City's Personnel Rules Regarding Applications and Applicants (Rule VI).

FISCAL IMPLICATION:

There are no fiscal implications associated with staff's recommendation.

BACKGROUND:

Rule VI of the Personnel Rules, Applications and Applicants, prevents full-time employees from working in the same Department with relatives in the third degree or closer (i.e., children, parents, brothers, sisters, grandparents and grandchildren, aunts and uncles, nieces and nephews). However, the City Manager has authority to approve an exception for part-time employees to allow siblings or other relatives to work in the same department, as long as they do not have supervisory responsibility over one another. The existing policy also allows two current employees to get married and continue working in the same department as long as they do not have supervisory responsibility over one another.

DISCUSSION:

The Police Department has learned that a current police officer's brother is interested in seeking employment as a police officer in our department. We have four (4) vacancies and have put our recruiting efforts at the top of our priority list. Chief Uyeda feels this candidate should have the opportunity to compete for the position and if selected as the best candidate, could be assigned work that would prevent either from supervising the other. Our existing policy prevents this person from even being considered as a candidate.

Other cities that are considered our recruitment competitors have much more flexible policies. For example, in four of our standard survey cities (Hermosa Beach, Culver City, Santa Monica and San Clemente) a relative cannot be hired or transferred into a position that would have direct

supervisory responsibility over a relative, but there is no restriction upon the relative working in the same department. Additionally, 4 survey cities have no nepotism policy.

Staff recommends the City Manager be granted authority to evaluate cases such as the one above and approve an exception for full-time employees when appropriate. Given the current policy already allows two spouses to work in the same department, we would like to have the flexibility to consider other situations that may involve siblings or other relatives when it is clearly in the best interests of the City, as long as they are not in a supervisory capacity over a relative.

Attachment: Resolution No. 6054

RESOLUTION NO. 6054

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING RESOLUTION 5898 OF SAID COUNCIL (PERSONNEL RULES) BY AMENDING RULE VI (APPLICATIONS AND APPLICANTS)

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Resolution 5898 is hereby amended to provide that Section 6. Nepotism of RULE VI be amended as follows:

Nepotism. Employee's relatives and members of the immediate family may work for the City of Manhattan Beach; however, relatives within the third degree or closer (i.e., children, parents, brothers and sisters, grandparents and grandchildren, aunts and uncles, nieces and nephews) whether by blood, adoption, or marriage must be employed in separate departments. Such appointments shall be, however, subject to the approval of the City Manager. The City Manager may approve exceptions to this rule on a case by case basis. In the case of such exceptions at no time may any related employees be in a position which would require them to supervise or control the terms, conditions or performance circumstances of employment of a relative.

Any relative within the third degree or closer (i.e., children, parents, brothers and sisters, grandparents and grandchildren, aunts and uncles, nieces and nephews) whether by blood, adoption, or marriage, of a Council member, the City Manager, City Clerk, City Attorney, City Treasurer, or department heads, shall not be appointed to any position of employment whether full time or part time within the City service.

If two employees plan to be married while both are employed in the same department of the City of Manhattan Beach, neither may be in a position which would require them to supervise or control the terms, conditions or performance circumstances of employment of the other at the time of the marriage or at any time in the future. If one of the employees assumes such a position within the same department as their spouse, it will become necessary for one of the said employees to transfer to a different department of the City, provided an appropriate vacancy exists. In the event there is no such vacancy by the date of promotion, termination of one of said employees is mandatory.

Except as to a marriage which occurs hereafter, this rule shall not affect any of the heretofore mentioned relatives who are currently employed by the City of Manhattan Beach and related as of April 15, 1975.

SECTION 2. Each and every provision of Resolution 5898 which is not superseded by or inconsistent with the foregoing shall remain in full force and effect.

SECTION 3. The City Clerk shall make this Resolution reasonably available for public inspection within thirty (30) days of the date this Resolution is adopted.

SECTION 4. The City Clerk shall certify to the adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED and ADOPTED this 15th day of August, 2006.

Ayes:
Noes:
Absent:
Abstain:

Mayor, City of Manhattan Beach, California

ATTEST:

City Clerk