

MEETING DATE: 11/13/06

AGENDA ITEM: 1) Introduction of Ordinance Amending Culver City Municipal Code Section 3.05.070(F) Relating to the Definition of "Direct Line of Supervision" as Contained in the City's Anti-Nepotism Policy; and 2) Adoption of Resolution Amending City Council Policy Statement No. 4001 Entitled "Anti-Nepotism" as Contained in Such Policy and Rescinding Resolution No. 95-R005.

ATTACHMENTS

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3. Current Council Policy Statement No. 4001	7-8

ATTACHMENT 1

ORDINANCE NO. 2006-_____

AN ORDINANCE OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING SECTION 3.05.070(F) OF THE CULVER CITY MUNICIPAL CODE RELATING TO THE DEFINITION OF "DIRECT LINE OF SUPERVISION" AS CONTAINED IN THE CITY'S ANTI-NEPOTISM POLICY.

WHEREAS, on September 25, 2006 at a duly noticed and joint public meeting of the City Council and the Civil Service Commission, the City Council adopted the revised Civil Service Rules by Resolution No. 2006-R068; and

WHEREAS, Rule 8.2.a(2) of the revised Civil Service Rules amends the definition of "Direct Line of Supervision" as contained in the City's Anti-Nepotism Policy to state that the City Manager shall be deemed to hold a position of control and authority over every City employee; and

WHEREAS, Culver City Municipal Code § 3.05.070(F) needs to be amended to be consistent with this change in the Anti-Nepotism Policy as set forth in the revised Civil Service Rules.

NOW THEREFORE, the City Council of the City of Culver City, California, **DOES HEREBY ORDAIN** as follows:

SECTION 1. Section 3.05.070(F) of the Culver City Municipal Code is hereby amended to read as follows:

"F. For the purpose of this Section, ***DIRECT LINE OF SUPERVISION*** shall be defined as any regularly assigned employment relationship wherein an employee holds a position with any control or authority over an immediate family member of that employee. A City Council member and the City Manager shall be deemed to hold a position of control and authority over every City employee. A member of a City Commission, Board or Committee shall be deemed to hold a position of control and authority over every City employee who is regularly assigned as staff support to that member's Commission, Board or Committee."

1 **SECTION 2.** Pursuant to Section 619 of the City Charter, this Ordinance
2 shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616
3 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption,
4 the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the
5 Culver City News and shall post this Ordinance or a summary thereof in at least three
6 places within the City.

7 **SECTION 3.** The City Council hereby declares that, if any provision, section,
8 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared
9 invalid or unconstitutional by any final action in a court of competent jurisdiction or by
10 reason of any preemptive legislation, then the City Council would have independently
11 adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases
12 or words of this ordinance and as such they shall remain in full force and effect.

13 **APPROVED AND ADOPTED** this ____ day of _____ 2006.

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15
16
17 _____
GARY SILBIGER, Mayor
City of Culver City, California

18
19 **ATTEST:**

20 **APPROVED AS TO FORM:**

21 _____
CHRISTOPHER ARMENTA, City Clerk

22 _____
CAROL A. SCHWAB, City Attorney

ATTACHMENT 2

RESOLUTION NO. 2006-R_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING CITY COUNCIL POLICY STATEMENT NO. 4001, ENTITLED "ANTI-NEPOTISM" AND RESCINDING RESOLUTION 95-R005.

WHEREAS, on September 25, 2006 at a duly noticed and joint public meeting of the City Council and the Civil Service Commission, the City Council adopted the revised Civil Service Rules by Resolution No. 2006-R068; and

WHEREAS, Rule 8.2.a(2) of the revised Civil Service Rules amends the definition of "Direct Line of Supervision" as contained in the City's Anti-Nepotism Policy to state that the City Manager shall be deemed to hold a position of control and authority over every City employee; and

WHEREAS, there is a need to amend Council Policy Statement No. 4001, entitled "Anti-Nepotism," in order to be consistent with the change in the Anti-Nepotism Policy as set forth in the revised Civil Service Rules.

NOW, THEREFORE, the City Council of the City of Culver City, California, DOES RESOLVE as follows:

1. The City Council hereby amends City Council Policy Statement No. 4001, entitled, "Anti-Nepotism," which amended City Council Policy Statement is attached hereto as Exhibit "A" to this resolution.

2. The City Council hereby rescinds Resolution No. 95-R005.

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1 3. The revised Council Policy Statement No. 4001 shall be effective upon
2 its adoption.

3 APPROVED and ADOPTED this 13th day of November 2006.
4

5
6 _____
GARY SILBIGER, MAYOR
City of Culver City, California
7

8 ATTEST:
9

APPROVED AS TO FORM:

10 _____
CHRISTOPHER ARMENTA, City Clerk
11

12 _____
CAROL A. SCHWAB, City Attorney
13

**CITY OF CULVER CITY
COUNCIL POLICY STATEMENT**

Policy Number 4001

General Subject: **Personnel**

Date Issued 01/23/95

Effective Date 06/04/88

Resolution No. 95-R005

Specific Subject: **Anti-Nepotism**

Date Revised 10/23/06

Effective Date Rev. 10/23/06

Resolution No. 2006-R

PURPOSE:

To establish a consistent policy regarding the employment of members of the immediate family of Elected Officials, Commissioners and exempt City employees in positions not covered by Civil Service Rules.

STATEMENT OF POLICY:

1. Because of the potential for creating adverse impacts on supervision, safety, security or morale, members of an immediate family shall not be employed in the direct line of supervision of one another.
2. If, at the time of the adoption of this policy, an employee has an immediate family member also employed by the City, this policy shall not be applicable to that employee based on the existing familial relationship.
3. This policy shall not be applicable to any person whose immediately family member is elected to the City Council, if prior to such election, such person:
 - a. is employed by the City; or
 - b. was employed by the City and has been offered and has accepted reemployment.
4. Employees who become subject to this policy after appointment, but who are not otherwise exempted, pursuant to Paragraph 2, shall have the opportunity to transfer subject to the provisions of the Civil Service Rules, relating to transfers. In the event no transfer is available, one of the employees shall resign and such resignation shall be effective within a reasonable time period, not to exceed thirty (30) calendar days after notification of the decision of transfer unavailability. The decision regarding who shall

resign may be made by the affected employees. If no decision is made within thirty (30) calendar days:

- a. The employee with the most recent appointment, transfer or promotion which resulted in the application of the policy shall be deemed to have resigned; or
- b. If the reason the policy applies is other than an appointment, promotion or transfer, the employee with the least cumulative seniority shall be deemed to have resigned.

5. "Immediate Family" shall be defined as the following relationships whether established by blood, marriage or other legal actions:

- a. Parents, grandparents, step-parents, step-grandparents, brothers, sisters, half-brothers, half-sisters, step-brothers, step-sisters, children, children's spouse(s), grandchildren, step-children, step-grandchildren.
- b. Spouse and spouse's parents, grandparents, brothers, sisters, half-brothers, half-sisters, step-parents, step-grandparents, step-grandchildren.

6. "Direct Line of Supervision" shall be defined as any regularly assigned employment relationship wherein an employee holds a position with any control or authority over an immediate family member of the employee. A City Council member and the City Manager shall be deemed to hold a position of control and authority over every City employee. An elected City Clerk or City Treasurer shall be deemed to have a position of control and authority over employees within the respective department. A member of a City Commission, Board or Committee shall be deemed to hold a position of control and authority over every City Employee who is regularly assigned as a staff support to that members' Commission, Board or Committee.

7. When it is determined an employee is affected by this policy, the employee may appeal such determination to the Civil Service Commission for a final administrative adjudication of the matter; provided that the Civil Service Commission, in its discretion, may use the services of a hearing officer and not hold evidentiary hearings itself; and provided further that, if the employee to whom the policy has been determined to apply is an immediate family member of any member of the Civil Service Commission that Commission member shall abstain from voting on the appeal.

8. The administrative procedures contained in this policy shall constitute an employee's exclusive administrative remedy. An employee may not file a grievance or other form of complaint for any determination, decision or action taken under this policy, except as provided in Paragraph 7 herein.

ATTACHMENT 3

CITY OF CULVER CITY COUNCIL POLICY STATEMENT

Policy Number **4001**

General Subject: Personnel

Date Issued Rv. 1/23/95

Specific Subject: Anti-Nepotism

Effective Date **6/4/88**

Resolution No. **95-R005**

PURPOSE: To establish a consistent policy regarding the employment of members of the immediate family of Elected Officials, Commissioners and exempt City employees in positions not covered by Civil Service Rules.

STATEMENT OF POLICY:

(a) Because of the potential for creating adverse impacts on supervision, safety, security or morale, members of an immediate family shall not be employed in the direct line of supervision of one another.

(b) If at the time of the adoption of this policy, an employee has an immediate family member also employed by the City, this policy shall not be applicable to that employee based on the existing familial relationship.

(c) This policy shall not be applicable to any person whose immediately family member is elected to the City Council, if prior to such election, such person:

1. is employed by the City; or
2. was employed by the City and has been offered and has accepted reemployment.

(d) Employees who become subject to this policy after appointment, but who are not otherwise exempted, pursuant to paragraph (b), shall have the opportunity to transfer subject to the provisions of Rule X, of the Civil Service Rules, relating to transfers. In the event no transfer is available, one of the employees shall resign and such resignation shall be effective within a reasonable time period, not to exceed thirty (30) calendar days after notification of the decision of transfer unavailability. The decision regarding who shall resign may be made by the affected employees. If no decision is made within thirty (30) calendar days:

1. The employee with the most recent appointment, transfer or promotion which resulted in the application of the policy shall be deemed to have resigned; or
2. If the reason the policy applies is other than an appointment, promotion or transfer, the employee with the least cumulative seniority shall be deemed to have resigned.

(e) "Immediate Family" shall be defined as the following relationships whether established by blood, marriage or other legal actions:

1. Parents, grandparents, step-parents, step-grandparents, brothers, sisters, half-brothers, half-sisters, step-brothers, step-sisters, children, children's spouse(s), grandchildren, step-children, step-grandchildren.
2. Spouse and spouse's parents, grandparents, brothers, sisters, half-brothers, half-sisters, step-parents, step-grandparents, step-grandchildren.

(f) "Direct Line of Supervision" shall be defined as any regularly assigned employment relationship wherein an employee holds a position with any control or authority over an immediate family member of the employee. A City Council member shall be deemed to hold a position of control and authority over every City employee. An elected City Clerk or City Treasurer shall be deemed to have a position of control and authority over employees within the respective department. A member of a City Commission, Board or Committee shall be deemed to hold a position of control and authority over every City Employee who is regularly assigned as a staff support to that members' Commission, Board or Committee.

(g) When it is determined an employee is affected by this policy, the employee may appeal such determination to the Civil Service Commission for a final administrative adjudication of the matter; provided that the Civil Service Commission, in its discretion, may use the services of a hearing officer and not hold evidentiary hearings itself; and provided further that, if the employee to whom the policy has been determined to apply is an immediate family member of any member of the Civil Service Commission that Commission member shall abstain from voting on the appeal.

(h) The administrative procedures contained in this policy shall constitute an employee's exclusive administrative remedy. An employee may not file a grievance or other form of complaint for any determination, decision or action taken under this policy, except as provided in paragraph (g) herein.