

Number: 411
Sections: 1-8
Effective Date: August 28, 1989
Revised Date: March 29, 1999

SUBJECT: Appointment of Immediate Family Members and Family Members of City Contractors

1. **Purpose.** The purpose of this regulation is to clarify and expand upon Section 313(b) of the Charter of the City of Huntington Beach dealing with the appointment of immediate family members and to provide guidelines for employment of relatives since situations involving relatives working in the same department may result in morale problems, inappropriate supervision, conflict of interest, or public criticism. The intent is to avoid the opportunity for an officer or employee of the City to use personal influence to aid or hinder another in the employment setting or situation because of a personal relationship.

2. **Authority.** Charter Sections 313 and 407; Personnel Rule 16.

3. **Policy:**

3.1 **Charter Section 313(b) "Nepotism".** The City Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the third degree of any one or more of the members of such City Council, nor shall the City Administrator or any department head or other officer having appointive power appoint any relative of such person or of any Council member within such degree to any such position. This provision shall not affect the employment or promotional status of a person who has attained a salaried position with the City prior to the existence of a situation contemplated by this provision; however, Council members or officers with appointive powers in such a situation shall disqualify themselves from all decisions affecting the employment and promotional status of such person.

3.2 **Personnel Rule 16-2 "Supervisory Relationships".** Persons related by blood or marriage within the third degree shall not report to the same supervisor nor shall such relatives supervise one another.

3.3 **Personnel Rule 16-3 "Relatives, Appointment Prohibited".** Persons related by blood or marriage within the third degree shall not be employed in positions which provide one of them access to confidential and privileged information which should not be available to the other related party.

3.4 **Relatives of City Administrator and Department Heads.** No appointing authority shall appoint to any paid temporary or permanent position within

the City's service, a member of the immediate family of the City Administrator or a Department Head, or the Personnel Director.

3.5 General. No person may be appointed, promoted, reduced, transferred or reassigned to a position in which that person is in the direct line of supervision of a relative; nor shall such relatives have the same immediate supervisor. "Supervision" includes the assignment of work, evaluation of performance and setting or influencing the pay or granting of benefits to the other.

4. Definitions:

4.1 Third Degree. For the purpose of this regulation, third degree shall mean the same as the term "immediate family" as defined below. The legal definition of "degree of kindred" is as follows: "The degree of kindred is established by the number of generations, and each generation is called a degree".

4.2 Immediate Family. For purposes of this regulation, the term "immediate family" (relative) shall mean an individual related by blood, adoption or marriage, e.g., spouse, parent, son, daughter, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, grandparent, grandchild, uncle, aunt, nephew, niece, mother/father-in-law, stepparent, stepchild, stepbrother/sister or half brother/sister.

4.3 Management Employees. Department heads, assistant department heads, division heads, and staff of the City Administrator's Office who perform at the management level, and employees represented by the Management Employees' Organization.

5. Disclosure. All applicants for employment, promotion, transfer or reassignment shall be required to disclose the name(s) and position title(s) of any relative currently employed by the City prior to appointment, promotion, transfer to reassignment. An employee who becomes a "relative" by marriage subsequent to appointment shall disclose the new relationship(s) to his/her supervisor. The Personnel Director shall provide appropriate forms and procedures for the disclosure process.

6. Appointment to City Service:

6.1 No management employee shall appoint or recommend appointment of any member of his or her immediate family as an employee of any department, office, bureau or division over which he or she has administrative control. For purposes of this regulation, appointment shall be liberally construed, so that the immediate family of a department head shall not be employed within that department even if the management employee does not personally sign the letters and official forms which constitute the appointment.

6.2 No management employee shall recommend the appointment of a member of his or her immediate family to another management employee of the City. This regulation permits immediate family members of management employees below the level of Department Head to be appointed as an employee in any department over which the related management employee has no administrative control, so long as such management employee makes no recommendation or otherwise attempts to influence such appointment.

6.3 To avoid any appearance of favoritism, it shall be the policy of the City to not appoint an immediate family member of any permanent City employee to temporary or part-time positions within the City. Exceptions may be approved by the City Administrator for people with critical skills, PERS retirees, and those that have already demonstrated their proficiency in particular classifications by qualifying on a City eligible list. Classifications exempted from this policy are lifeguards, recreation leaders, Police and Fire student workers and cadets, and Library pages.

7. Contractors and Businesses Dealing with the City. No management employee shall recommend or attempt to influence any contractor or business which has a business relationship with the City to employ a member of his or her immediate family and such employment by a contractor doing business with the City shall be disclosed by a written filing with the applicable department or the City Administrator, as may be appropriate upon such employment.

8. Effect of Regulation. This regulation shall not effect the employment or status of employees previously appointed or promoted to a position within the classified service prior to the existence of this regulation. Where such a situation exists, high priority shall be given to a transfer of said employee to a different department whenever vacancies or other transfer opportunities arise.

Ray Silver, City Administrator

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