

ORDINANCE NO. 2845

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE  
AMENDING THE CITY'S NEPOTISM POLICY

**City Attorney Summary**

***This Ordinance amends the regulations on nepotism in the City of Garden Grove. The Ordinance generally provides that (1) no relative of a City Council Member, the City Manager or a Department Director shall be eligible for full time employment with the City; (2) a person shall not be employed by the City if that person would be supervised by or in the chain of command of a relative; and (3) a person shall not be employed in the same department, division or facility as a relative if the job descriptions for both positions could present a conflict of interest, would involve common areas of work responsibilities or could otherwise lead to potential hazards in greater degree for relatives than for non-relatives. The Ordinance provides limited exceptions for part-time employment positions and provides that the employment of current employees is not affected by the change in the nepotism regulations.***

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY ORDAINS AS FOLLOWS:

**SECTION 1: Code Amendment.**

Municipal Code Section 2.44.440 entitled "Nepotism Policy" is hereby amended in its entirety to read as follows:

**"Section 2.44.440. Nepotism Policy.**

**(a) Nepotism Restrictions.**

In order to minimize problems relating to employee supervision, morale, safety and security, it is necessary to regulate the employment of relatives by the City.

Applicants for City employment shall not be hired and employees shall not be placed into employee positions with respect to the following categories:

1. Where a person would be, or could in the future have a significant potential to be, supervised by or be in the chain of command of a relative;
2. Where an employee would participate in making, or advising on, employment decisions concerning a relative;

3. Where a relative of a City Council Member, City Manager, Department Director or a primary assistant of the City Manager would also be employed by the City;
4. Where a relative of a member of any City Commission would be employed in any City position over which the Commissioner would have direct or indirect influence or control; or for reasons of supervision, morale, safety or security, it is determined by the City Manager that the work involves potential conflicts of interest;
5. Where a person would be employed in the same department, division, or facility as a relative and it is determined that job descriptions or positions for both entail work that (a) could present a conflict of interest; (b) involve common areas of work responsibilities; or (3) could lead to potential hazards in a greater degree for relatives than for non-relatives.

The hiring authority shall be responsible for administering these nepotism regulations.

(b) Exception for Part-Time Employment.

1. Applicants for part-time positions of 1,000 hours per year or less who would otherwise be precluded from employment by subsection (a) may be hired on a case-by-case basis with the review and approval of the City Manager.
2. Notwithstanding the restriction of subsection (a)(3), current part-time employees falling within this category, initially hired prior to September 30, 2014, may be hired as full-time employees.

(c) Application of Nepotism Regulations.

Employees of the City who become relatives after the effective date of these provisions and do not conform to these nepotism regulations shall come into compliance with these provisions. The City will make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security or morale.

If no reasonable effort and solution can be found to alleviate the problem of supervision, safety, security or morale, the City Manager shall determine whether, and under what circumstances, if any, both employees may be permitted to remain in their then current positions. In making such a determination, the City Manager shall give primary consideration to the operational needs of the City, including interests of

economy, efficiency and effectiveness. The City Manager shall also consider the work history and seniority of the affected employees.

(d) Definitions.

"Relatives" includes: spouse; parent (including foster); sibling (including foster and step); children (including adoptive, foster or step); in-laws; grandparent or grandchild; aunt or uncle, niece or nephew; and any other legally related person living in the same household as the employee.

(e) Notification.

Employees shall be responsible for advising their immediate supervisor if they are related or become related to another City employee, Council Member or Commissioner.

(f) Miscellaneous.

1. To the extent that hiring of a relative of a City employee is not prohibited by this Chapter 2.44, no City official or employee shall participate in making, or advising on, employment decisions of any kind concerning a relative with regard to employment in the City.
2. Nothing herein shall prevent the Mayor or Member of the City Council from voting on warrants for payment occurring in the regular course of events as part of a consent calendar on the City Council agenda.
3. No person employed by the City as of September 30, 2014, whose initial hiring would have been precluded pursuant to this Chapter 2.44 had it been in effect at the time of such hiring shall, for that reason alone, be required to leave City employment. If, however, such employee leaves City employment subsequent to September 30, 2014, this Chapter 2.44 shall apply to the rehiring of such employee."

SECTION 2: If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections,

subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 3: The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the \_\_\_\_ day of \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

STATE OF CALIFORNIA    )  
COUNTY OF ORANGE    ) SS:  
CITY OF GARDEN GROVE)

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced for first reading and passed to second reading on September 9, 2014, with a vote as follows:

AYES: COUNCIL MEMBERS: (5) BEARD, JONES, NGUYEN, PHAN, BROADWATER  
NOES: COUNCIL MEMBERS: (0) NONE  
ABSENT: COUNCIL MEMBERS: (0) NONE