



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** Ian Appleyard  
Director, HRM

**SUBJECT:** Ordinance Amending the City's Anti-Nepotism Ordinance

**DATE:** March 3, 2021

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City Administrator Approval 

Date: Mar 3, 2021

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## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt An Ordinance Amending The City's Anti-Nepotism Ordinance Oakland Municipal Code Chapter 2.40 To Grant The Personnel Director Specific Authority To Make Alternate Arrangements Regarding Employees In The Police and Fire Departments To Minimize Their Supervision And/OR Influence Over The Terms And Conditions Of Any Individual With Whom They Have A Family Relationship, Consensual Romantic Relationship, Or Cohabitant Relationship.**

## **EXECUTIVE SUMMARY**

This report and the accompanying ordinance seeks to amend the City Anti-Nepotism Ordinance. The ordinance grants the Personnel Director specific authority to make alternate arrangements for the Police and Fire Departments in the event a supervisor may have influence over any individual with whom they have a family relationship, consensual romantic relationship, or cohabitant relationship. This ordinance will remedy potential inequitable outcomes since it is often impossible for members of the Police and Fire departments (in particular sworn members) to transfer to other departments because of their highly specialized training, duties, skills and certifications related to delivering critical health and safety services.

## **BACKGROUND / LEGISLATIVE HISTORY**

In 2008, the City Council passed an ordinance amending the Oakland Municipal Code (OMC) to prohibit nepotism in City employment. The corresponding Municipal Code Section is 2.40 – Prohibition on Nepotism in City Employment. The purpose of this anti-nepotism chapter is to eliminate actual or perceived conflicts of interest, partiality or favoritism in the City workplace due to nepotism and/or cronyism and to maintain public confidence in the fairness of the City's hiring and employment practices as well as in the competence of City employees. The Code allows for the Personnel Director in consultation with the City Attorney to make alternate arrangements in the event there is a covered relationship.

## **ANALYSIS AND POLICY ALTERNATIVES**

Staff recommends amending the City's Anti-Nepotism Ordinance (Chapter 2.40 of the Oakland Municipal Code) to specifically address the Police Department and Fire Department, to balance the inherent risks of nepotism, on the one hand, against the risks of inequitable or undesirable outcomes for relationships covered by the Ordinance, on the other hand, by granting the Director of Personnel specific authority to make alternate arrangements within these two departments.

Staff is concerned that a strict application of the current Anti-Nepotism Ordinance could lead to inequitable and/or unintended outcomes for employees in the Police or Fire Department. This is of particular concern when one family member becomes the Chief of the Fire Department or Police Department. Under the current ordinance, it is impracticable to strictly comply without inequitable impacts to current incumbents. Therefore, by granting the Personnel Director this specific authority, reasonable safeguards can be put in place to avoid undue supervision or influence on the terms and conditions of employment.

Following receipt of information establishing that a prohibited family relationship, consensual romantic relationship or cohabitant relationship exists within the Police Department or Fire Department, the Director of Personnel in consultation with the Office of the City Attorney, will make alternate arrangements so that an employee's supervision for and/or influence in any manner over the terms and conditions of employment of any individual with whom that individual has a family relationship, consensual romantic relationship, or cohabitant relationship is minimized, including but not limited to identifying personnel decisions that will bypass the normal chain of command and/or will require the approval of the City Administrator.

## **FISCAL IMPACT**

This item does not have a direct fiscal impact or cost.

## **PUBLIC OUTREACH / INTEREST**

There are no public outreach opportunities associated with this report further than the required publication on the City's website.

## **COORDINATION**

Development of this report was coordinated with internal staff in HRM, City Attorney's Office, and City Administrator's Office.

**SUSTAINABLE OPPORTUNITIES**

***Economic:*** *There are no economic opportunities associated with this report.*

***Environmental:*** *There are no environmental opportunities associated with this report.*

***Race & Equity:*** *This ordinance allows for the City to account for unintended race and equity issues in the leadership of the Police and Fire Departments.*

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council adopt an Ordinance amending the City's Anti-Nepotism Ordinance Oakland Municipal Code Chapter 2.40 to grant the Personnel Director specific authority to make alternate arrangements regarding employees in the Police and Fire Departments to minimize their supervision and/or influence over the terms and conditions of any individual with whom they have a family relationship, consensual romantic relationship, or cohabitant relationship.

For questions regarding this report, please contact IAN APPLEYARD, HUMAN RESOURCES DIRECTOR, at (510) 238-6450.

Respectfully submitted,



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IAN APPLEYARD  
Director/Human Resources Management  
Department

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