



staff report

TO: Honorable Mayor and Members of the City Council

ATTENTION: Jeffrey L. Stewart, City Manager

FROM: Leo L. Mingle, Jr., Assistant City Manager

SUBJECT: Consideration and possible action to adopt Resolution No. 16-XX – A Resolution establishing a policy restricting outside employment of City employees.

DATE: May 9, 2016

EXECUTIVE SUMMARY

The proposed Resolution will establish policy restricting a City employee's outside employment activity or enterprise under specified circumstances.

RECOMMENDATION TO CITY COUNCIL

- 1) Adopt Resolution No. 16-XX; or
- 2) Alternatively, discuss and take other action related to this item.

FISCAL IMPACT

There is no fiscal impact at this time.

DISCUSSION

The City Manager will implement the policy.

California Government Code Section 1126 includes a blanket prohibition on City employees undertaking "inconsistent" employment, but allows the City to set parameters as to what "inconsistent" might mean for various types of employees. The proposed resolution specifies the parameters under which the City may prohibit an employee's outside employment, and requires the City Manager to approve any employee's outside employment or enterprise.

The City Manager's decision will be provided in writing, and in cases of denial the reason for the denial will be stated. Any violation of this policy may be grounds for disciplinary action, up to and including termination of employment, and any decision by the City Manager pursuant to this policy may be appealed in writing to the City Council.

ATTACHMENT

Resolution No. 16-XX.....2

Doc 337975

CITY OF BELLFLOWER

RESOLUTION NO. 16-XX

**A RESOLUTION ESTABLISHING A POLICY RESTRICTING
OUTSIDE EMPLOYMENT OF CITY EMPLOYEES**

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1. The City Council finds and declares as follows:

A. **Purpose.** To establish a policy restricting the outside employment of City employees.

B. **Policy.** Pursuant to California Government Code Section 1126, it is the policy of the City of Bellflower:

1. That the City may prohibit an employee's outside employment activity or enterprise if it:

- a. Involves the use for private gain or advantage of his/her City time, facilities, equipment and supplies, badge, uniform, prestige, or influence of his/her City office or employment;
- b. Involves receipt or acceptance by the employee of any money or other consideration from anyone other than the City for the performance of any act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of his/her City employment or as a part of his/her duties as an employee;
- c. Involves the performance of any act in other than his/her capacity as employee which may later be subject directly to the control, inspection, review, audit, or enforcement of any other employee of the City; and/or
- d. Involves time demands as would render performance of his/her duties as an employee of the City less efficient, except that the City may not prohibit outside employment activity or enterprise by part-time employees represented by the American Federation of State, County, and Municipal Employees, AFL-CIO, Local 3745 on this basis.

2. To require the City Manager's prior written approval for any employee's outside employment activity or enterprise.

3. To require the City Manager's or designee's prior written approval for outside employment activity or enterprise by any temporary and seasonal part-time employee of the Parks and Recreation Department.

4. To require the City Manager's prior written approval for any employee's use of research or other information obtained, and solicitation or acceptance of employment or the appearance thereof, through contacts made in connection with their employment by the City.

5. To provide written notice of approval or denial to the employee concerned, including in cases of denial the reason for the denial.

6. That any violation of this policy may be grounds for disciplinary action, up to and including termination of employment.

7. That any decision made by the City Manager or designee pursuant to this policy may be appealed in writing to the City Council.

SECTION 2. To the extent that any other resolution pertaining to restricting outside employment of City employees is incorporated into this Resolution, it is superseded in its entirety.

SECTION 3. The City Manager will establish policies and procedures as necessary to carry out this policy.

SECTION 4. The Mayor, or presiding officer, is hereby authorized to affix his/her signature to this Resolution signifying its adoption and the City Clerk, or her duly appointed deputy, is directed to attest thereto.

SECTION 5. This Resolution will become effective immediately upon adoption.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER THIS ___ DAY OF _____ 2016.

Dan Koops, Mayor

ATTEST:

Mayra Ochiqui, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney