



# Administrative Regulations

Number AR32-1  
Issue 3

**Subject: Appointment of Immediate Family Members & Family Members Employed by City Contractors.**

## I. PURPOSE:

The purpose of this regulation is to clarify and expand upon Section 511 of the Charter of the City of Long Beach, 1980 Revised Edition, dealing with the appointment of immediate family members. This regulation also expands and builds upon the City's policy of equal opportunity in employment and affirmative action in administering that policy. This regulation requires disclosure of employment of immediate family members by contractors and businesses dealing with the City.

## II. SCOPE:

This regulation is applicable to all City departments and offices responsible directly to the City Manager. It is also requested that elective offices and other independent offices and departments of the City comply with these procedures in the interest of administrative uniformity.

## III. AUTHORITY:

Section 511 of the Charter of the City of Long Beach, 1980 Revised Edition, states as follows:

"No officer, commission or member of any Commission of this City shall recommend the appointment of, appoint, vote for or elect to any office position or employment in any department of the City government any member of said officer's or commission member's immediate family. For purposes of this section the term "immediate family" shall mean wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, step-child. Any appointment made in violation of this section shall be void and of no effect.

## IV. DEFINITIONS:

A. Officers of the City: Those positions listed under Section 500 of the Charter, which include, but are not limited to, "all department heads and other persons who in the exercise of their duties perform management functions of the City."

B. Immediate Family: With the exception of "wife" and "husband", those persons listed in Section 511 of the Charter, reproduced in full in Paragraph III above.

C. Management Employees: Department heads, assistant department heads, bureau heads, division heads, and staff of the City Manager's Office who perform at the management level.

D. Spouse: Defined as a partner, either a wife or husband, in marriage under California Civil Code §4100. Pursuant to California Government Code §12935 (a), there is a prohibition against discrimination based on marital status

## V. REGULATION

Appointment of Immediate Family Members & Family Members  
Employed by City Contractors.

A. Classified Service

1. No management employee shall appoint or recommend appointment of any member of his or her immediate family as a classified 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.

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 to be appointed as classified employees 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.

B. Non-Career/Unclassified Clerical and Management Positions

No management employee shall appoint a member of his/her immediate family to a non-career/unclassified clerical or management positions in his/her department or recommend appointment in his/her department or in another City Department. Appointments to these unclassified positions of an immediate family member of another management employee can only be made when it is clear there is no potential conflict of interest created by the appointment. Such recommendations for appointment must be reviewed with and approved by the Director of Human Resources and Affirmative Action prior to an offer of hire. Under no circumstances will a management employee be in a position of authority to control the employment circumstances including performance evaluations of the immediate family member.

C. 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. Disclosure of any economic interest must be disclosed on required economic interest filings. In addition, disclosure of such employment by a City contractor, or a business dealing with the City, not required to be disclosed on economic interest filings shall be disclosed by a written filing with each department or the City Manager, as may be appropriate, upon such employment.

D. Employment of Spouses:

Except as provided hereunder, an employment decision shall not be based on whether an individual has a spouse presently employed by the City. However, for business reasons of supervision, safety, security or morale, as determined by the City Manager, no spouse shall be appointed or promoted to a position in any department in which the other spouse would be placed in an employment relationship in which either would have the capacity or authority to control the employment circumstances of the other, or where one spouse would be in a position to audit or evaluate the performance of the other, or where a potential conflict of interest or other hazards greater for married couples than for other persons.

If an employee marries another employee within the same department, both employees shall be allowed to retain their respective positions provided that no supervisory relationship exists. If a supervisory relationship would exist, the least senior employee shall be transferred to a comparable position, if available, in another department.