



**Request for City Council Committee Action  
From the City Attorney's Office**

Date: January 24, 2005  
To: Ways & Means/Budget Committee  
Referral to:

**Subject:** Proposed amendments to the Ethics Code relating to nepotism.

**Recommendation:** That the City Council adopt the proposed amendments to the nepotism regulations and associated definitions in Chapter 15 of the Minneapolis Code of Ordinances, Ethics in Government.

**Previous Directives:** On March 21, 2003, the City Council adopted a comprehensive revision of Chapter 15 of the Minneapolis Code of Ordinances, Ethics in Government. The revised Ethics Code included a new provision relating to nepotism in City employment. At its meeting of November 16, 2004, the Ethical Practices Board reviewed and discussed the proposed amendments and directed the Ethics Officer to communicate to the City Council the Board's support for the amendments.

Prepared by: Carol Lansing, Ethics Officer Phone: 673-2554

Approved by: \_\_\_\_\_  
Jay M. Heffern  
City Attorney

Presenter in Committee: Carol Lansing, Ethics Officer

**Financial Impact** (Check those that apply)

- No financial impact - or - Action is within current department budget.  
(If checked, go directly to Background/Supporting Information)
- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Other financial impact (Explain):
- Request provided to the Budget Office when provided to the Committee Coordinator

**Community Impact:**

- Neighborhood Notification
- City Goals:
- Comprehensive Plan
- Zoning Code
- Other

## Background/Supporting Information

### Proposed amendment to §15.160, Nepotism.

As enacted in March 2003, the new restrictions on nepotism in City employment, § 15.160 of the Minneapolis Code of Ordinances (“MCO”), provides as follows:

**15.160. Nepotism.** (a) A local official or employee of the city shall not influence or attempt to influence the hiring, transfer, suspension, promotion, discharge, assignment, reward, discipline, direction of work, or the adjustment of grievances of a related person. No local official or employee shall be the immediate supervisor, or that supervisor's immediate supervisor, of a related person. The human resources department will work with the affected related persons to resolve violations of this provision that exist because of existing supervisory relationships. All such violations must be resolved by June 1, 2005.

The Department of Human Resources and the Ethics Officer have begun working with City departments to identify any existing supervisory relationships in violation of this provision and to implement administrative mechanisms in the assignment, hiring and promotion processes that will prevent future violations.

In the City’s largest departments - Public Works, Police and Fire – there are a significant number of “related persons” working in the same department. These three departments also utilize employees on multiple shifts and at multiple worksites. Managers in these departments have expressed concern that the prohibitions in the current ordinance against “assignment” or “direction of work” of a related person, even when the assignment and direction of work is non-supervisory in nature, would impose a serious administrative burden on the departments and could unnecessarily limit the employment opportunities of staff. Each department described existing work assignment practices that result in employees on occasion directing the work of related persons whom they do not supervise. Examples:

- In Public Works, truck drivers are supervised by the dispatch office. They are assigned to different work sites on a daily or project basis (e.g. delivery to a road repair site for a day; assigned to haul materials to and from a particular street project for a week). While assigned to a work site, the foreman at that site directs the truck driver’s work. There are situations where the foreman could be related to the truck driver. It would be very difficult to monitor and adjust the daily dispatch assignments to check for these relationships.
- In Public Works, related laborers may work together on a crew. One of those laborers may be designated by the foreman as a crew leader. The crew leaders may direct tasks on a work site, but that they would be directing those tasks in accordance with a previously planned and organized job project where the work crew, materials, project goals and processes are already determined by the Foreman, and under the direction of the Foreman. Under all circumstances, all the laborers are supervised by the foreman, not the crew leader. It is felt that prohibiting these situations would unduly limit the opportunity for employees to be made crew leaders or to work in their preferred work assignments.
- In Fire, lines of supervision are established based on the apparatus to which a firefighter is regularly assigned. The captain of the rig is the supervisor of the firefighters assigned to that rig. However, people are moved on a temporary basis every shift to adequately staff rigs that are short due to vacation and sick days. While a firefighter would not be assigned permanently to a rig if the captain was a related person, it would be very difficult to monitor and adjust these temporary assignments.
- In both Fire and Police, major incidents require employees assigned to different stations/precincts to work together under commanders who are not their permanent supervisors.

It is questionable whether the negative impact that these restrictions have on the ability of some departments to manage daily work assignments and may have on the employment opportunities of some City workers is outweighed by any additional “protection” against favoritism that would be gained by prohibiting an official or employee from merely assigning or directing the work of a related person. In response to these concerns, and in

consultation with staff from Human Resources, Public Works, Police and Fire, the Ethics Officer prepared a proposed amendment to § 15.160 that allows an official or employee to assign or direct the work of a related person. This amendment would not change the prohibition against an official or employee being the immediate supervisor, or that supervisor's immediate supervisor, of a related person. There would be no change to the prohibition against attempting to influence the hiring, transfer, suspension, promotion, discharge, reward, discipline, or the adjustment of grievances of a related person, whether or not in a supervisory relationship.

Proposed amendments to §15.280, definitions of “related person” and “significant familial relationship.”

In order to clarify how the nepotism provision will be implemented, the follow amendments are proposed to the definitions of “related person” and “significant familial relationship:

**15.280. Definitions.**

- (u) *Related person* shall mean a person in a marital relationship, a domestic partner relationship, or other committed relationship with a local official or employee, or in a significant familial relationship with a local official or employee.
- (v) *Significant familial relationship* means:
  - (1) By blood or adoption: parent, child, grandparent, grandchild, brother, sister, half-brother, half-sister, uncle, aunt, nephew, niece, first cousin.
  - (2) By marriage: husband, wife, stepparent, stepchild, stepbrother, stepsister, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, uncle, aunt, nephew, niece. Divorce terminates a significant familial relationship by marriage.

The proposed amendment to 15.280(u), “related person,” will clarify that “other committed relationship” is intended to be similar in nature to marriage and domestic partnership, and is not intended to include such relationships as housemates or close friendships.

The proposed amendments to 15.280(v) are intended to correct what is believed to be the unintentional exclusion of relationships by adoption and stepsiblings from the original definition of “significant family relationship,” and to clarify that relationships “by marriage” are terminated upon divorce.

c: Klara Fabry, Public Works Department  
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