



STAFF REPORT

Meeting Date: February 17, 2015
To: Honorable Mayor & City Council
From: Laurence S. Wiener, City Attorney
Subject: Executive Employee Outside Employment Policy

INTRODUCTION

Mayor Bossé, Vice Mayor Gold and Councilmember Mirisch have requested that the City Council discuss the City's policy concerning outside employment by executive employees.

BACKGROUND

The City's Municipal Code currently provides as follows concerning outside employment by City employees:

2-5-212: OUTSIDE EMPLOYMENT:

A full time city employee shall be prohibited from employment or engaging in business outside of their regular city employment, unless approval has been granted by the employees' department head and the director of human services. Approval shall not exceed a period of one year; however, further extensions of one year each may be granted provided that such extension request is filed not later than July 1 of each subsequent year. The employee shall immediately notify the city of any change in the extent or character of the outside employment. The employee shall not accept, participate, or engage in any outside employment or business which is incompatible with, or conflicts with the employees' city employment. Incompatible employment includes, but is not limited to, the following situations:

A. Employment which involves hours of work or physical effort which could be reasonably expected to reduce the quality or quantity of the employee's services to the city;

B. Employment which involves hours or locations of work which could be reasonably expected to interfere with the employee's availability for overtime emergency services to the city, particularly when the employee is on call for emergency services;

C. Employment which is directly or indirectly connected with the employee's duties in the city, such as dealing in merchandise or services with persons contacted in the course of city employment;

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D. Employment which involves services of the employee in a capacity of advisor, consultant, or witness which could reasonably be expected to conflict with the interests of the city;

E. Employment which causes the employee to become financially interested in any contract, sale, or transaction to which the city is a party.

This section of the Municipal Code appears to have been in place since at least 1962. The Municipal Code makes no distinction between executive and non-executive employees.

DISCUSSION

In recent years, several executive level employees have been approved to engage in outside employment. One example that has received recent attention involved the Police Chief consulting for a business that, after engaging the Police Chief, provided security services to the Beverly Hills Unified School District. Other examples include scuba diving instruction; teaching, including online course instruction to graduate students at local universities, and real estate broker.

RECOMMENDATION

Following City Council discussion, staff seeks direction regarding whether the City Council would like to make any changes to the City's policy regarding outside employment for executive employees.



Laurence S. Wiener, City Attorney