



# CITY OF SANTA BARBARA

## ORDINANCE COMMITTEE AGENDA REPORT

**AGENDA DATE:** April 27, 2010  
**TO:** Ordinance Committee  
**FROM:** Human Resources, Administrative Services  
**SUBJECT:** Municipal Code Update Regarding Registered Domestic Partners

### RECOMMENDATION:

That the Ordinance Committee review a draft amendment to Municipal Code Section 3.16.073 (Employee Selection) regarding registered domestic partners.

### DISCUSSION:

Currently the Municipal Code provides that a City employee cannot be placed under the direct supervision of that employee's spouse when both spouses work within the same City department, division, or facility. In addition, when this situation occurs upon the marriage of two City employees, a review is conducted by the affected department and Human Resources for any potential job related conflicts relative to supervision, safety, security, and morale. If, upon the conclusion of a review, a potential conflict or concern exists, then employment decisions, such as requiring one of the employees to transfer to different City department or division, are made accordingly. These regulations were first enacted in 1989 to reflect the requirements of the state Fair Employment and Housing Act and the Department of Fair Employment and Housing non-discrimination regulations. However, they have not been updated since that time.

This Municipal Code language should be revised to now include state and City registered domestic partners since potential employment-related conflicts of interest, as described above, may exist not only for spouses and close relatives, but also for registered domestic partners who work in close proximity in the same City department or division. This proposed update also includes an express definition of a registered domestic partner and provides that that term "marriage" as used in City Charter Section 710 (Nepotism) would be expanded to include registered domestic partners.

**ATTACHMENT:** Draft update to Municipal Code Section 3.16.073  
**PREPARED BY:** Barbara Barker, Human Resources Manager  
**SUBMITTED BY:** Marcelo López, Assistant City Administrator  
**APPROVED BY:** City Administrator's Office

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING TITLE THREE OF THE SANTA BARBARA MUNICIPAL CODE TO REVISE SECTION 3.16.073 OF CHAPTER 3.16 PERTAINING TO THE EMPLOYMENT BY THE CITY OF DOMESTIC PARTNERSHIPS IN THE SAME CITY DEPARTMENT OR DIVISION

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

**SECTION ONE:** Chapter 3.16 of Title Three of the Santa Barbara Municipal Code is hereby amended by revising Section 3.16.073 to read as follows:

**Section 3.16.073 Employee Selection.**

A. **EMPLOYMENT OF SPOUSE, REGISTERED DOMESTIC PARTNER, AND RELATIVES.** An employment decision shall not be based on whether an individual has a spouse, registered domestic partner, or relative presently employed by the City except in accordance with City Charter Section 710 and the following criteria:

1. For business reasons of supervision, safety, security, or morale, the City Administrator, after consulting with the Personnel Officer and the department head, may refuse to place a spouse, registered domestic partner, or relative under the direct supervision of the other spouse, registered domestic partner, or a relative.

2. For business reasons of supervision, safety, security or morale, the City Administrator, after consulting with the Personnel Officer and the department head, may refuse to place both spouses, both registered domestic partners, ~~or the~~ ~~(or~~ ~~two~~ ~~relatives)~~ in the same department, division or facility if the work involves potential conflicts of interest or other hazards greater for married couples, registered domestic partners, ~~(or relatives)~~ than for other persons.

**B. ACCOMMODATIONS FOR CITY EMPLOYEES WHO MARRY OR WHO REGISTER AS DOMESTIC PARTNERS.** If two (2) City employees marry or register as domestic partners, the City Administrator shall make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security, or morale. If the City Administrator is unable to make an acceptable accommodation which sufficiently minimizes the problems of supervision, safety, security or morale, it may require the two City employees who have married or who have registered as domestic partners to decide which one of the spouses-them will resign from City employment within 60 days of being notified of the City Administrator's inability to make a reasonable accommodation.

**C. Registered Domestic Partners - Defined.** For the purposes of this section, a "registered domestic partner" shall refer to domestic partners who have registered in any of the following ways:

1. with the Santa Barbara City Clerk's Office pursuant to Chapter 9.135 of the Santa Barbara Municipal Code;
2. with the state of California Secretary of State office as the term is defined in state Family Code section 297; or
3. with another municipal, county, or state domestic partner registry authorized and maintained by a governmental entity within the United States.

**D. Charter Section 710 and Nepotism.** For the purposes of City Charter Section 710, use of the term "marriage" shall include those persons who are registered domestic partners as defined and used in this section 3.16.073.

***For informational purposes:***

*Charter Charter*

*Article VII: OFFICERS AND EMPLOYEES*

*Section 710. Nepotism.*

*The City Council shall not appoint to a paid position under the City government any person who is a relative by blood or marriage within the third degree of any one (1) or more of the members of such City Council, nor shall the City Administrator or any department head or other officer having appointive power appoint any relative of his or of any Councilman within such degree to any such position.*

HR/CAR/2011/ord/domestic partner-amend.