

ORDINANCE NO. 80-817

AN ORDINANCE TO AMEND CHAPTER 2 OF THE WARREN CODE OF ORDINANCES RELATING TO NEPOTISM AND FRATERNIZATION

THE CITY OF WARREN ORDAINS:

SECTION 1. That Chapter 2 of the Code of Ordinances of the City of Warren, Michigan is amended to add Article X to be entitled "Nepotism and Fraternization Ordinance" by adding Sections 2-420 through 2-427, as follows:

Sec. 2-420. Nepotism and Fraternization Ordinance.

This Article may be cited as the City of Warren Nepotism and Fraternization Ordinance.

Sec. 2-421. Intent and purpose.

- (a) It is the intent and purpose of this Article to recognize and respect the rights of elected officials, appointees, and employees to engage in social interaction and to form personal relationships with others in the workplace.
- (b) There is the possibility in certain instances where intimate personal relationships between supervisors and subordinates have the potential to negatively impact working conditions or create undue liability on the part of the city and taxpayers.
- (c) Certain personal relationships, especially between supervisors and subordinates, undermine the operation of city functions due to (1) The appearance of favoritism in employment decisions; (2) loss of employee morale; (3) interference with the functioning of supervisor-subordinate relationships; and (4) potential for allegations of sexual harassment in the workplace.

Sec. 2-422. Scope

This Article shall apply to all city employees that are exempt from the civil service system and/or appointed officials that serve at the will of any appointing authority in the city. This Article shall also apply to any supervisory personnel in the city to the extent that these provisions of this Article do not conflict with any collective bargaining agreement where the supervisory personnel is a member of a collective bargaining agreement.

Sec. 2-423. Definitions

For purposes of this Article, the following terms are defined as follows:

Appointed official means any person employed by the city that is exempt from the civil service system and/or any officials or employees that serve at the will of any appointing authority in the city.

Elected officials include the mayor, clerk, treasurer, and members of the city council.

Employee means a City of Warren elected official, appointee, or employee, including, but not limited to, a full-time, part-time, special service, temporary, or seasonal employee, as well as student co-ops, interns and volunteers.

Intimate personal relationship means employees who mutually consent to a relationship which may include dating, sexual relations, romantic involvement, and personal, physical or emotional intimacy.

Nepotism means the unlawful interdepartmental employment of relatives as defined in the Warren City Charter Sec. 7.27.

Second degree of affinity means a relationship between a person and their spouse, father-in-law, mother-in-law, daughter-in-law, or son-in-law.

Second degree of consanguinity means a relationship between a person and their parent, child, grandchild, brother, sister, or grandparent.

Subordinate means any employee who reports to a supervisor directly or indirectly through the city's organizational chart

Sec. 2-424. Interdepartmental Nepotism Prohibited; Notification Required

Pursuant to the City Charter Sec. 7.27, No two or more persons who are within the second degree of consanguinity or affinity shall be employed within the same department of the city. Any person employed in a position that is exempt from the civil service system and/or an appointed official is strictly prohibited from holding an appointed position in violation of Sec. 7.27 of the City Charter. Any employee who is aware of a nepotism violation shall report such violation to the Human Resources Department who shall investigate and notify the appointing authority of any violations. If there is a violation, the appointing authority has a duty to remove any appointed official from his or her position to obtain compliance with the city charter. Any person that reports a nepotism violation shall be afforded whistleblower protections as provided in this Article.

Sec. 2-425. Fraternalization Prohibited

Appointed officials and elected officials are prohibited from engaging in intimate personal relationships with any subordinate employee. Appointed officials and elected officials are held to a higher standard due to having access to sensitive information, and

their ability to influence employment decisions and workplace rules and regulations. Any appointed official, elected official, manager, supervisor, or employee who directly or indirectly supervises, or reports to another employee, with whom he or she has an intimate personal relationship is required to disclose the relationship to the Human Resources Department, in writing, on a form that is created by the Human Resources Department. Upon disclosure of the relationship, the Human Resources Department shall do the following: (a) Determine whether the relationship has the potential for, or the appearance of, conflicts of interest, sexual harassment, favoritism, nepotism, misunderstandings, or will negatively impact the workplace; (b) Work with both parties to determine possible resolution regarding the supervisory relationship, which may include reorganization of duties/responsibilities, position transfer or reassignment; (c) Treat the disclosure of any relationship in a confidential manner and may only disclose to others during the resolution phase on a need-to-know basis; and (d) Provide findings in writing to both parties within thirty (30) days of disclosure. The Human Resources Department shall develop policies consistent with the scope and intent of this Article.

Sec. 2-426. Anti-Favoritism Clause

No appointed or elected official or supervisor may participate in the promotion process, disciplinary process, or any personnel matter involving any city employee: (a) with whom they are related within the second degree of consanguinity or affinity; or (b) with whom they are having an intimate personal relationship.

Sec. 2-427. Whistleblower protections.

Any person who reports any prohibited activity or suspected prohibited activity under this Article to a person, supervisor, agency, or organization is afforded all of the whistleblower protections provided under the Code of Ethics pursuant to Section 2-375, 2-376, and 2-377 of the Code of Ordinances.

October 18, 2023.

SECTION 2. This Ordinance shall take effect on ~~July 1, 2023~~.

I HEREBY CERTIFY that the foregoing Ordinance No. 80- 817 was adopted by the Council of the City of Warren at its meeting held on July 11, 2023.

SONJA BUFFA
City Clerk

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