CITY COUNCIL RESOLUTION NO. 20-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADOPTING AMENDMENTS TO THE PERSONNEL RULES AND PROCEDURES

WHEREAS, the City of Irvine Code of Ordinances provides for Personnel Rules and Procedures to effectively and efficiently administer the City's personnel system.

NOW, THEREFORE, the City Council of the City of Irvine DOES HEREBY RESOLVE that Article 11 of the Personnel Rules and Procedures, attached hereto, as Exhibit A is approved and adopted, and thus repeals any previous Article 11 of the Personnel Rules and Procedures.

PASSED AND ADOPTED by the City Council of the City of Irvine at a regular meeting held on the 22nd day of September, 2020.

MAYOR OF THE CITY OF IRVINE

ATTEST:

ASST CITY CLERK

CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, MOLLY M. PERRY, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing resolution was duly adopted at a regular meeting of the City Council of the City of Irvine, held on the 22nd day of September, 2020.

AYES:	5	COUNCILMEMBERS:	Carroll, Fox, Khan, Kuo, and Shea
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

ASST CITY CLERK

CITY CLERK OF THE CITY OF IRVINE

PERSONNEL
RULES AND PROCEDURES

Last Revised: September 2020

EXHIBIT A

ARTICLE 11 – CONFLICT OF INTEREST

Last Revised: September 2020

ARTICLE 11 – CONFLICT OF INTEREST

No City employee shall engage in any activity, employment or enterprise which is inconsistent, incompatible or in conflict with his/her duties, functions and/or responsibilities as a City employee, or with the department by which he or she is employed, nor shall the employee engage in any compensated outside activity which will directly, or indirectly, contribute to the lessening of his or her effectiveness, integrity or accountability as a City employee.

Failure to comply with the provisions of this policy may result in disciplinary action, up to and including dismissal.

SEC. 1 "Conflict of Interest:" The Political Reform Act of 1974 prohibits an employee from making, or participating in, any decision when it is reasonably foreseeable that the decision could have a material financial impact on a source of income to the employee or the assets of the employee. State law prohibits employees from having a financial interest in any contract to which the City is a part. Each employee is required to comply with provisions of State Law and City policies and procedures that are related to conflicts of interest, the reporting of income and business interests, and contracts involving the City and the employee.

A. *Participating in Decisions:* An employee shall not participate in the consideration or processing of any decision, application, proceeding or other matter involving the employee's financial interests, including real property, personal property or investments, or those of the spouse or dependent children of the employee. The employee shall disclose to his/her supervisor any financial interest that may be involved in any such application, discussion or proceeding.

B. *Statements of Economic Interest:* The City of Irvine has adopted a Conflict of Interest Code as required by the provisions of the Political Reform Act (Government Code Section 87100 *et seq.*). This Code includes an enumeration of the City positions which involve the making of decisions which may foreseeably have a material effect on any financial interest, and identifies the incumbents of those positions as designated filers for the purposes of Statements of Economic Interest. It also details the specific types of investments, business positions, interests in real property, and sources of income which are reportable.

   Designated employees are required to file an initial Statement of Economic Interest within thirty (30) calendar days after assuming the office/position and annually thereafter. Designated employees are also required to file a Statement of Economic Interest within thirty (30) days of leaving the office/position. Reports must be filed on the forms prescribed by the Fair Political Practices Commission and in the manner and at the time specified by the City Clerk. The City Clerk's office administers the Conflict of Interest process.

C. *Accepting Gifts/Gratuities:* The acceptance of gifts or gratuities, such as meals, tickets, presents, and food from any person having business with the City may be or create the appearance of, a conflict of interest. To avoid an actual or apparent conflict of interest, each employee shall follow the guidelines provided herein:

- Employees shall not accept any gift or gratuity when it is reasonably apparent that the gift or gratuity is intended to (or may be perceived by others as intended to) influence the employee's performance or non-performance of his or her duties or result in a higher level of service than the donor would otherwise receive. In evaluating the gift or gratuity, the employee shall consider the nature, value and timing of the gift or gratuity.

- Employees shall not accept discounts from the posted or regular price of food, beverages, items or services unless the discount is available to members of the general public.

- Gifts of food may be accepted as long as they are shared with all employees within the Department/Division.

- Any employee who is unsure whether a gift or gratuity could constitute a conflict of interest shall consult their immediate supervisor prior to acceptance.

- Designated employees must comply with the Fair Political Practices Commission's Statement of Economic Interest reporting requirements pertaining to gifts.

D. *Adherence to Financial Policies & Practices*: City employees are required to comply with established Policies and Practices in their daily activities regarding financial transactions, contracts, purchasing, and related matters. Employees should familiarize themselves with the Policies and Practices, which may be found on the Intranet, and ensure that their actions comply with the provisions.

SEC. 2 "Code of Conduct:" The City of Irvine is committed to fostering a culture of openness, trust and integrity in its business practices and to ethical and responsible actions in all its endeavors. Every City employee is required to behave in an honest and ethical manner in all dealings related to their City employment and to treat others fairly and objectively, and with empathy. This includes responsible and ethical use of City assets and public funds, providing effective and efficient service to the public, respect for the confidentiality of information, acting in good faith and exercising due care in all we do, complying with all rules and regulations, and proactively promoting ethical behavior.

A. *Integrity/Ethical Behavior:* Employees are required to serve in an honest and courteous manner that is in keeping with their position of one of public trust and consistent with community values. Employees are expected to:

- *Be honest, be factual, give credit where it is due, apply regulations and procedures consistently, and treat all customers in the same way.*

- *Be courteous, professional and service-oriented in dealing with the public and other employees; employ a problem-solving attitude; offer and provide assistance to the public; provide quality service; be receptive to complaints/suggestions and requests; and help others to understand and navigate City procedures and processes.*

- *Create a positive work environment, foster an environment that enhances unity of purpose; accept responsibility and be solution-oriented.*

B. *Confidentiality:* City employees have access to a wide variety of confidential documents and information by nature of their positions. All employees shall treat City information in a confidential and discrete manner for the benefit of the City, its citizens, government, administration and employees. City employees shall not:

- *Use official information that is not available to the general public for private advantage or gain for oneself or another.*

- *Release or provide official information that is not available to the general public to others.*

C. *Reporting Unlawful Behavior*: Employees shall report any unlawful activities relating to work to their supervisor immediately.

D. *Use of City Property:* No employee shall use City-owned equipment, including but not limited to, autos, trucks, instruments, tools, supplies, machines, including computers and related computer systems, or any other item which is the property of the City for other than City business, nor shall any employee allow any unauthorized person to rent, borrow, or use any of the items mentioned above.

No employee shall modify, add to or remove any equipment or accessory belonging to a City-owned vehicle, nor shall any employee attach, temporarily or permanently, any type of sticker, decal, emblem, magnet, license plate frame, or any other type of adhesive label or notice to a City-owned vehicle without prior written permission from the assigned vehicle program manager, based on prior authorization from the City Manager.

E. *Electronic Communications*: All electronic, Internet, e-mail, voice-mail, mobile data terminals, calendar and telephonic communications and information transmitted by, received from, or stored in these systems are property of the City of Irvine. Although incidental personal use of these systems may be authorized, such use shall not interfere with or be inconsistent with City business, and employees have no expectation of privacy while using these systems. As such, subject to applicable laws, these systems are subject to review by the City.

Electronic communications may be considered public records. When disclosure is required under the California Public Records Act (Government Code 6250

et. seq.) or otherwise by law, the City shall not in any way be liable or responsible for the disclosure of any e-mail message or any part thereof. No message input into a City-owned system is necessarily a private communication. The City reserves the right to access, review, copy or deletes any message or document on its telephone, e-mail or any computer systems, including those stored on individual employee computers, any City-owned computer or related media, for any purpose, and may disclose such information as the City deems appropriate, subject to applicable laws.

All communications are to be courteous and businesslike. Messages containing racial or sexually explicit slurs, images, or other discriminatory conduct are prohibited. The use of obscenities, libelous statements, or the disclosure of confidential personal information about another employee is against City policy and could subject the author to disciplinary action, up to and including dismissal.

SEC. 3 "Public/News Media Relations:" The actions of City officials and employees are often of interest to the news media and members of the public. Frequent inquiries are received on a variety of subjects and should be handled in the following manner:

- Media inquiries should be directed to the Public Information Office. Exceptions may be made at the discretion of the City Manager as needed.

- Inquiries regarding release of public records and requests made under the Public Information Act shall be referred to the City Clerk's Office.

- Inquiries regarding personnel-related information should be referred to Human Resources.

SEC. 4 "Secondary Employment:" No employee shall engage in any employment, activity or enterprise which:

- Is inconsistent, incompatible or in conflict with his/her duties, functions and/or responsibilities as a City employee, or with the department by which he or she is employed, nor shall the employee engage in any compensated outside activity which will directly, or indirectly, contribute to the lessening of his or her effectiveness, integrity, or accountability as a City employee. Outside employment as an individual contractor or as an employee of a firm currently under a contractual obligation to the City of Irvine is prohibited. However, the department director has the discretion to approve outside employment activities that involve service to public institutions, government agencies, or non-profit charitable or educational organizations, even if this organization has a contractual arrangement with the City. Pursuant to state law, sworn employees shall not be employed in places that serve alcoholic beverages.

- Interferes with the employee's ability to perform his/her regularly assigned duties for the City.

- Places him or her in a position where he/she works with or for another City employee in the same business enterprise, and where one of the employees does or may supervise, either directly or indirectly, the other employee in their respective City employment positions.

- Requires special considerations for scheduling work hours with the City.

- Requires or permits utilization of City work products.

No City-owned equipment, autos, trucks, instruments, tools, supplies, machines or any other item which is the property of the City shall be used by an employee while said employee is engaged in any outside employment or activity for compensation.

A "*Determination of Inconsistent Activities:*" In making a determination as to the consistency or inconsistency of outside activities, the department director shall consider, among other pertinent factors whether the activity:

- Involves the use for private gain or advantage City time, facilities, equipment, and supplies, or the badge, uniform, prestige, or influence of one's City office or employment;

- Involves receipt or acceptance by an employee of any money or other consideration from anyone other than the City for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course of his or her City employment or as part of his or her duties as a City employee;

- Involves the performance of an act in other than his or her capacity as a City employee, which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by such employee or the department by which he or she is employed;

- Involves conditions or factors that would probably, directly, or indirectly lessen the efficiency of the employee in his or her regular City employment or conditions in which there is a substantial danger of injury or illness to the employee;

- Involves service to a public institution, government agency, or non-profit charitable or educational organization.

Prior to engaging in any occupation or outside activity for compensation, the employee shall notify the department director of the time required and the nature of such activity, and such other information as may be required by the Personnel Officer. Based on the information submitted, the department director shall determine, in his/her discretion, whether or not such activity is compatible with the employee's City employment.

If the department director determines such activity is compatible, he/she shall authorize such outside employment and forward a copy of the request to the Personnel Officer or his/her designee. Said authorization shall be valid only for the work and period prescribed therein. If the employee requesting approval for any outside employment or activity for compensation is a management-level employee exempt from overtime compensation, he/she must seek written approval from the City Manager. The City retains the right to rescind the authorization at any time and for any reason.

Any violation of the provisions contained herein shall constitute sufficient grounds for disciplinary action, up to and including dismissal.