

ORDINANCE 710

AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SECTION 3.05D, EMPLOYMENT OF RELATIVES, SATELLITE BEACH PERSONNEL POLICY; SAID POLICY ADOPTED BY ORDINANCE NO. 435 AND AMENDED BY ORDINANCE NOS. 464, 477, 479, 488, 505, 526, 546, 575, 633, 640, 653, 665 AND 697; PROVIDING AN EFFECTIVE DATE

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA as follows:

SECTION 1. Subsection "D" of Section 305 of the City's Personnel Policy is hereby amended to read as follows:

D. Employees who become related through a marriage or other civil act shall not be permitted to work within the same department where there is a business necessity for prohibiting such a relationship. Each case will be considered based on the circumstances involved and the needs of the City.

Relatives may not be retained under the following circumstances: (1) if an individual is employed in any department where either he or she would have direct line authority over a relative, or where a relative would have any direct line authority over the individual; or (2) if the City determines that business necessity requires it to prohibit relatives from being employed in any capacity. In the latter category, a business necessity may include, but not necessarily be limited to, evidence of one or more of the following:

- (1) Offering or encouraging preferential treatment of the employee or relative;
- (2) impeding City's efficiency or economy;
- (3) losing complete independence or impartiality;
- (4) making decisions outside of official channels;
- (5) affecting adversely the confidence of the public in the integrity of the City;
- (6) creating any other conflict of interest which substantially will affect the performance or non-performance of the employee's or relative's official duty.

Should two employees marry or become related after being employed within the same department, both must complete a Statement of Relationship for evaluation by the department head and city manager. Individuals will be permitted to remain employed in the same department only under the conditions state above.

No special consideration will be given to transfers. The normal job posting and selection procedure will be followed.

Employees who become related in violation of this policy and cannot effect a transfer according to the established procedure within ninety (90) days, will be required to follow the existing policy of one or the other terminating. Where a voluntary resignation is not obtained, the employee with the least seniority will be selected.

Employees are responsible for keeping the Statement of Relationship up-to-date. Changes in relationship require a new statement to be submitted.

SECTION 2. SEVERABILITY CLAUSE. In the event a court of competent jurisdiction shall hold or determine that any part of this Ordinance is invalid or unconstitutional, the remainder of the Ordinance shall not be affected thereby, and it will be presumed that the City Council for the City of Satellite Beach did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the City Council would have enacted the remainder of this Ordinance without said invalid and unconstitutional provision, thereby causing said remainder to remain in full force and effect.

SECTION 3. REPEAL OF INCONSISTENT PROVISIONS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption.

SECTION 5. This Ordinance was duly passed on first reading at a regular meeting of the City Council on the 21st day of January, 1998, and adopted on the second and final reading at a regular meeting of the City Council on the 4th day of February, 1998.

ATTEST


David R. Schechter, Mayor


Mary E. Rogers, CMC, City Clerk