City of Philadelphia

BILL NO. 040115

Introduced February 12, 2004

Councilmember Nutter

**Referred to the
Committee on Law and Government**

AN ORDINANCE

Amending Chapter 20-600 of The Philadelphia Code, entitled "Standards of Conduct and Ethics," by adding anti-nepotism provisions prohibiting City officers and employees from taking or recommending certain personnel actions affecting family members and requiring certain disclosures by persons seeking City employment, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 20-600 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 20-600. STANDARDS OF CONDUCT AND ETHICS.

§20-601. Definitions.

*   *   *

(14) Personnel action. With respect to any employee not under civil service: any appointment, employment, promotion, disciplinary action, transfer, reappointment, reinstatement, reassignment, performance evaluation, or any decision concerning pay or benefits.

(15) Quasi-Public Agency. Any board or commission to which the Mayor or the Council is entitled to an appointment; and any authority or quasi-public corporation that either:

(a)   Receives appropriations from the City; or

(b)   Has entered into a continuing contractual relationship with the City; or

City of Philadelphia

   (c)   Operates under legal authority granted to it by City ordinance.

(16)   Relative. A spouse, parent, child, sibling, aunt, uncle, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister, or a Life Partner as defined in §9-1102(p) or the parent, child or sibling of a Life Partner.

(17)   City Agency. A City office, department, board, commission, or other entity that is part of the City government.

<p align="center">*   *   *</p>

§20-607. Conflict of Interest.

<p align="center">*   *   *</p>

   (d)   Anti-nepotism provisions.

       (i)   No City officer or employee shall take any personnel action concerning a relative.

       (ii)   No City officer or employee shall recommend that any personnel action concerning a relative be taken by any person who serves in a City Agency if the City officer or employee serves in or exercises jurisdiction or control over such City Agency. For purposes of this subsection, the Mayor, the City Controller, and members of Council shall be considered to exercise jurisdiction and control over every City Agency.

       (iii)   The Mayor, the City Controller, and members of Council shall not recommend that any personnel action concerning a relative be taken by any person who serves in a Quasi-Public Agency.

       (iv)   Before any person may be appointed to a non-civil service position with the City, such person shall file with the head of the hiring City Agency a written disclosure listing the names of all of such person's relatives who serve in that City Agency or who exercise jurisdiction or control over such City Agency or are deemed to exercise such jurisdiction or control under the provisions of subsection (d)(ii). At the same time such disclosure is filed, such person shall send a copy to: (i) the Department of Records, which shall keep such copies available for public inspection, and (ii) each relative listed in such disclosure. Upon receipt of a disclosure required under this subsection, the head of a City Agency shall also send a copy to each relative listed in such disclosure.

City of Philadelphia

*   *   *

§20-608. Public Disclosure and Disqualification.

(1)   Any member of City Council having a financial interest, under Section 20-607(a), (b), in any legislation including ordinances and resolutions, shall make public the nature and extent of such interest as set forth in paragraph (a) hereof. Other City officers and employees having a financial interest in legislation, including ordinances and resolutions, shall make public the nature and extent of their interest as set forth in paragraph (b) hereof. When any member of City Council or other officer or employee has a financial interest in an award, lease, case, claim, decree or judgment, *or if a member of Council or other City officer or employee is asked to take or recommend personnel action concerning a relative that would be prohibited under §20-607(d),* such person shall make public the nature and extent of the interest as set forth in paragraph (c) hereof. Thereafter, such person shall disqualify himself or herself from any further official action regarding such legislation including ordinances and resolutions; award, contract, lease, case, claim, decree or judgment, *or personnel action.*

*   *   *

(c)   Where there is a financial interest, as set forth in Section 20-607(a), by any member of Council or other City officer or employee in any award, contract, lease, case, claim, decree or judgment, other than legislation, *or whenever a member of Council or other City officer or employee is asked to take or recommend personnel action concerning a relative,* the person having such interest, prior to any City action thereon, shall notify, by registered or certified mail, the Commissioner, Secretary and/or Executive Director of the pertinent agency, authority, board or commission, and the Board of Ethics and the Department of Records which shall maintain a public record of such notices; in the event of action within a department or by a department head, such notice by registered or certified mail shall be given, prior to any action taken, to the Mayor, the Managing Director, the Board of Ethics and the Department of Records which shall maintain a public record of such notices.

This section shall not apply to routine applications or requests for routine information or other matters which are of a ministerial nature and do not require substantial discretion on the part of a City officer or employee.

*   *   *

_____

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

City of Philadelphia