

PROPOSED AMENDMENTS TO OPEN GOVERNMENT AND ETHICS RESOLUTION AND CITY POLICIES

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SUNSHINE REFORM TASK FORCE AND DISCIPLINARY ACTIONS

- 2006 – City Council established the Sunshine Reform Task Force to provide recommendations regarding open government
 - One recommendation concerned disclosure of disciplinary action taken to address misconduct and performance issues
- Different disclosure requirements were ultimately approved for City Officials and employees in the Classified Civil Service
 - Information pertaining to employees in the Classified Civil Service was considered confidential and not subject to disclosure unless permitted by the Public Records Act
- 2008 – the City began publishing anonymized information regarding disciplinary actions taken

THE PURPOSE OF DISCIPLINE

- Thousands of dedicated and hardworking City employees work in service of the community every day
 - Some employees fall short of the City's expectations, and when warranted, disciplinary action is taken
 - Sometimes, employees' conduct is not befitting of those who choose to be public servants
- Discipline policy
 - It is the City's policy to administer discipline with the goal of correcting inappropriate conduct and/or substandard performance and to define a standard of conduct of City employees
 - The appropriate use of discipline is essential to high employee morale and productivity and furthers the City's goal of providing excellent services to the community

CONSIDERATIONS AND RECOMMENDATIONS

- Balancing the public's right to know when and how disciplinary action is taken with employee confidentiality
- Recommending changes to the Consolidated Open Government and Ethics Resolution would clarify circumstances under which serious misconduct engaged in by City employees could be subject to disclosure
- Upon approval to revise the Resolution, the City Manager will execute corresponding changes to the City's Investigation Principles Policy and Discipline Policy

CODES OF ETHICS RECOMMENDATIONS

- In addition, the Administration recommends changes to both the Council Code of Ethics for Officials and Employees of the City of San José and the Code of Ethics contained in the City Administrative Policy Manual
 - Describes obligations to report potential misconduct that has the potential to impact the safety or financial health of the community
 - Reminds employees of their right to raise concerns in good faith without fear of retaliation

DISCUSSION AND QUESTIONS