



EMPLOYEE MANUAL	
Title: PROHIBITION OF NEPOTISM	
Policy No.: 30.0	Section Nos.: 30.0 – 30.7
Approval Date:	Effective Date: January 2018
Approved By: Board of Directors	

30.0 PROHIBITION OF NEPOTISM

It is the policy of the Agency to seek the best possible candidates through appropriate search procedures. The Agency seeks to eliminate or limit even the appearance of impropriety where possible. As such, the Agency has adopted the following policy regarding application or hiring of employee relatives.

30.1 Definitions

For the purpose of the Agency’s policies, the following definitions shall apply:

1. Relative - For purposes of this Section, “relative” shall mean a spouse, domestic partner, parent, parent-in-law, step-parent, legal guardian, sibling, step-sibling, sibling-in-law, child, step-child, child-in-law, legal ward, niece, nephew, grandchild, or grandparent.
2. Current Employee - For purposes of this Section, “current employee” means a person who is presently an Agency employee or member of the Agency’s Board of Directors. Current employee shall mean all types of Agency employees, including but not limited to, regular employees, probationary employees, part-time employees, temporary employees, student interns, rehired annuitants, or contract workers.
3. Applicant - For purposes of this Section, an “applicant” is a person who applies for any type of employment position at the Agency and is not a current employee.

30.2 Nepotism - Rules for Applicants

1. Disclosure - Each applicant is required to disclose the identity of any relative who is a current employee. An applicant’s failure to disclose a relative who is a current employee may result in the rejection of the applicant or future disciplinary action against the applicant after employment, up to and including termination.
2. Prohibited Hiring
 - a. Relatives of current employees shall not be hired into positions in which one relative may supervise, directly or indirectly, any other relative. One or more of the following roles, undertaken on a regular, acting, overtime, or other basis shall constitute direct or indirect supervision:
 - i. Occupying a position in an employee’s direct line of supervision;
 - ii. Functional supervision, such as a lead worker, crew leader, or shift supervisor; or



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- iii. Participating in personnel actions including, but not limited to, appointment, transfer, promotion, demotion, layoff, suspension, termination, assignments, approval of merit increases, evaluations, and grievance adjustments.
 - b. Relatives of current employees shall not be hired into positions in which one relative may work in a capacity, which would allow a current employee to evaluate or control the terms, conditions or performance circumstances of employment of a relative.
 - c. Relatives of current employees shall not be hired into any position in which the employment of such relative has the potential for adversely impacting the supervision, safety, security, or morale of other employees.
3. Nepotism - Determination by Human Resources Supervisor

The Human Resources Supervisor shall review each applicant who is a relative of a current employee to determine whether hiring the applicant would result in any of the prohibited situations. If, in the opinion of the Human Resources Supervisor finds that any of those situations exists, then the applicant may be rejected, or may be considered for employment in a position that does not present the above situations.

30.3 Nepotism - Rules for Current Employees

- 1. Current employees shall not participate, directly or indirectly, in the recruitment or selection process for a position for which a relative is an applicant.
- 2. Current employees having hiring powers or authority to recommend hires shall not, either directly or indirectly, seek to influence or assist in the hiring of any relative to any position within the Agency.
- 3. Current employees shall not participate or interfere in, or otherwise attempt to influence, any personnel actions affecting his or her relative including, but not limited to, transfer, promotion, demotion, layoff, suspension, termination, assignments, approval of merit increases, evaluations, and grievance adjustments.

30.4 Nepotism - Prohibited Job Assignments

- 1. Relatives of current employees shall not be promoted, assigned, or transferred into positions in which one relative may supervise, directly or indirectly, any other relative.



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 - c. Participating in personnel actions including, but not limited to, appointment, transfer, promotion, demotion, layoff, suspension, termination, assignments, approval of merit increases, evaluations, and grievance adjustments
 - d. Participating in decision-making or management that would allow evaluation or control of the terms, conditions, or performance of the employment
2. Relatives of current employees shall not be promoted, assigned or transferred into any position where the employment of such relative has the potential for adversely impacting the supervision, safety, security, or morale of other employees.

30.5 Nepotism - Change of Status

1. Current employees must report a change of status to the Human Resources Supervisor in advance of the effective date where feasible, but in no event later than thirty (30) days after the effective date of the change of status. For purposes of this policy, “a change of status” is the change in the legal status or personnel status of one or more current employees.

Changes in legal status include but are not limited to marriage, divorce, separation, or any such change through which a current employee becomes a relative or ceases to be a relative of another current employee.

Changes in personnel status include but are not limited to promotion, demotion, transfer, re-assignment, resignation, retirement or termination of a current employee who is a relative of another current employee.

2. Within thirty (30) days from receipt of notice, the Human Resources Supervisor shall undertake a case-by-case consideration and individualized assessment of the particular work situation to determine whether the change of status has the potential for creating an adverse impact on supervision, safety, security, or morale.



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3. The Human Resources Supervisor shall consult with the affected Senior Manager(s) to make a good faith effort to regulate, transfer, condition or assign duties in such a way as to minimize problems of supervision, safety, security, or morale. Notwithstanding this, the Agency retains the right to exercise its discretion to refuse to implement a change in personnel status due to its potential for creating an adverse impact on supervision, safety, security, or morale.
4. The Senior Manager(s) shall reasonably monitor and regulate both relatives' conduct and performance for a period of one (1) year from the date of the Human Resources Supervisor's determination. If a Senior Manager determines, subject to any applicable requirements of due process, that a change of status has caused potential for creating an adverse impact on supervision, safety, security, or morale, the Senior Manager shall re-visit the Human Resources Supervisor's determination.
5. Depending on the nature and severity of the situation, the Human Resources Supervisor may transfer one of the relatives to a similar position that would not be in violation of this policy. The transfer will be granted provided the relative qualifies and there is an opening to be filled. There can be no guarantee that the new position will be within the same classification or at the same salary level. If the situation cannot be resolved by transfer or by good faith efforts to regulate, transfer, condition or assign duties in such a reasonable way that would not be in violation of this policy, one of the relatives must separate from Agency employment.

30.6 Nepotism - Pre-existing Relationships

Where situations exist prior to the effective date of this policy that may be in conflict with these rules, reasonable efforts shall be made to address the situation so as to minimize potential problems of supervision, safety, security or morale and to avoid future conflict.

30.7 Nepotism - Appeal of Decisions

Current employees affected by the application of these rules may appeal the action to the Human Resources Supervisor within ten (10) days of the action. The Human Resources Supervisor shall hear the current employee's concerns and issue a written decision within twenty (20) days of receipt of the appeal. A current employee who is dissatisfied with the Human Resources Supervisor's decision may appeal to the General Manager within five (5) days of notification of the Human Resources Supervisor's decision. The General Manager shall hear the current employee's concerns and issue a written decision within twenty (20) days of receipt of the appeal. The decision of the General Manager is final, and no other appeal may be had unless the employee is entitled to further administrative appeal.