

Nepotism Policy

Section 1.1

PURPOSE

To provide guidelines concerning the employment of relatives in the workplace.

To specify and use defined terms for uniform use and interpretation.

DEFINITIONS

Relatives:

For the purpose of this policy, a “relative” shall be defined by blood or marriage or registered domestic partnership to include the following:

- Spouse
- Registered Domestic Partner
- Children/Step-children
- Daughter/Son-in-law
- Parents/Step-parents
- Sister/Brother
- Sister/Brother-in-law
- Father/Mother-in-law
- Grandchildren
- Grandparents

Marital status:

Defined as an individual’s state of marriage, non-marriage, divorce or dissolution, separation widowhood, annulment, or other marital state for the purpose of this policy.

Spouse:

Defined as a partner in marriage as defined in California Family Code §300.

Registered Domestic Partner:

Two individuals who are registered as domestic partners with a local domestic partner registry as defined in California Family Code §297.

Direct Supervision:

Defined as when one employee is responsible for the day-to-day supervision and direction of another employee. The direct supervisor is the person who assigns, prioritizes, and evaluates the employee’s work.

Indirect Supervision:

Defined as when a relative is hired, promoted, or transferred into the chain of command of another relative, and one of the individuals has management or supervisory responsibilities in the division or

section in which both would work even if the relative would not directly supervise or interact with the other employee.

POLICY

It is the policy of the City that relatives of City employees shall not be hired, promoted, or transferred into positions in which one relative may supervise, directly or indirectly, any other relative, or work in a capacity which would allow an employee to evaluate or control the individual terms, conditions, or performance circumstances of employment of a relative. This prohibition shall apply to all full and part-time regular employees, elected officials, all temporary employees, and all individuals working for the City through a temporary services agency.

Relatives of Department Heads, members of the City Council, and members of any City Board or Commission shall not be employed in any position in which the employment of such relative has the potential for adversely impacting the safety, security, morale or efficiency of supervision or function of other employees, or in which there may be created an actual or potential conflict of interest, or the appearance of a conflict of interest.

The City recognizes that prior to adoption of this Policy, there are situations where relatives have already started employment with the City, and present employees may marry or acquire a covered relationship. In such cases, the Department Head shall be responsible for ensuring that work assignments are made to avoid conflicts of interest or violation of this policy. If no conflict of interest exists because the employees have no direct supervisory relationship or evaluate control over one another, no action may be necessary.

This policy will not prevent relatives from being regularly assigned to shifts that may overlap, or from short-term temporary or acting assignments, as long as one relative does not supervise, directly or indirectly, another relative, nor work in a capacity which would allow an employee to evaluate or control the individual terms, conditions, or performance circumstances of employment of a relative.

No employee, prospective employee, or applicant shall be improperly denied employment or benefits of employment based on marital status or relationship to another City official or employee.

OPERATIONAL PROCEDURE

The employee is responsible for immediately notifying his/her Department Head of an impending or existing relationship covered under this policy with another employee within the same department, or with an elected official of the City. In the case of reporting by the City Manager or City Attorney, he/she is to report directly to the City Council. The Department Head shall report directly to the City Manager. Failure to promptly notify the Department Head of an impending or existing relationship as defined under this policy may be grounds for disciplinary action or disqualification from employment or promotion.

The City Manager shall determine whether, based upon a relationship/marital status existing prior to the adoption of the policy or which are created after an employee is hired by the City, the continuing employment or promotion of an employee involves potential conflicts of interest. Should the City Manager determine

that the relationship does not have the potential for creating conflicts of interest, the employee may continue his/her employment status quo, or be considered eligible for the transfer or promotion.

If the relationship is determined to fall within one or more of the conditions described in this policy, the HR/RM Director, in consultation with the affected employees, the employees' recognized bargaining agent (union) as applicable, their Department Head, and the City Attorney as necessary, will attempt to resolve the issue through transfer or reassignment of one or both employees to correct the conflict or issue identified.

If the conflict or issue cannot be accommodated through transfer or re-assignment, or if the affected employee refuses transfer or reassignment, the employee may be dismissed or may resign (or be disqualified from seeking promotion, transfer, or reassignment) for the that/those reason(s), and shall be notified in writing of same by the City Manager.

Any employee dismissed by application of this policy shall be entitled to have this matter reviewed through applicable grievance procedures contained in his/her respective MOU. In the absence of a grievance procedure in an MOU, an employee may file for a review within ten (10) business days from date of the receipt of the notice or forfeit such right to appeal. Employees must file a written notice to the City Manager appealing the singular issue as to whether the dismissed employee is related to another employee, City Council member, Department Head or other employee, as defined by this policy.