



**POLICY # 3126**      Nepotism

**EFFECTIVE DATE**      1/25/2024      **VERSION # 2**

**DATE OF LAST REVISION**      12/22/2023      **NEXT REVIEW DATE**      1/1/2026

**APPLIES TO**

Division      Districtwide

Sub-Division      Human Resources

VERSION	REVISION DATE	DESCRIPTION OF CHANGE/SUPERSEDE	AUTHOR
1	07/01/2010	Board Approved Employee Handbook	General Manager
2	12/22/2023	CSDA recommended best practice	Michelle Niven

**RATIONALE**

It is the policy of the District to seek the best possible candidates through appropriate search procedures. There shall be no bars to appointment of individuals who have close relatives in any staff category in the same or different departments so long as the following standard is met:

- o No employee shall vote, make recommendations, or in any way participate in decisions about any personnel matter that may directly affect the selection, appointment, promotion, termination, other employment status, or interest of a close relative.

**TERMS AND DEFINITIONS**

TERM	DEFINITION
<b>Applicant</b>	A person who applies for a position at the District and is not a Current Employee.
<b>Change of Status</b>	A change in the legal status or personnel status of one or more Current Employees.
<b>Current Employee</b>	A person who is presently a District employee, or an elected or appointed District official.
<b>Direct Supervision</b>	One or more of the following roles, undertaken on a regular, acting, overtime, or other basis constitutes Direct Supervision: <ul style="list-style-type: none"> <li>• Occupying a position in an employee’s direct line of supervision; or</li> <li>• Functional supervision, such as a lead worker, crew leader, or shift supervisor; or</li> <li>• 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.</li> </ul>

**Family Member**

A spouse, domestic partner, parent, legal guardian, sister, brother, child, legal ward, aunt, uncle, cousin, grandchild, or grandparent; or corresponding in-law or step relation; or anyone related by marriage or legal partnership who is residing in the same household as the employee or applicant.

**Prohibited Conduct**

Conduct by Family Members including, but not limited to, one or more of the following:

- Participation directly or indirectly in the recruitment or selection process for a position for which a Family Member is an Applicant.
- Direct Supervision of a Family Member that does not comply with limitations set forth in this Section;
- Conduct by one or more Family Members that has an adverse effect on supervision, safety, security, or morale.

**CONTENT**

**Applicants for Employment**

Right to Apply: No qualified Applicant may be denied the right to submit an application for employment and compete in the examination process. However, consistent with this Section, the District may reasonably regulate, condition, or prohibit the employment of an Applicant for a position.

Disclosure of Relationship: Each Applicant is required to disclose the identity of any Family Member who is a Current Employee.

Review by Human Resources: For each Applicant who has a Family Member who is a Current Employee, Human Resources will assess and issue a written decision as to whether any of the following circumstances exist:

- Business reasons of supervision, safety, security or morale warrant the District's refusal to place the Applicant under Direct Supervision by the Family Member; or
- Business reasons of supervision, security, or morale that involve potential conflicts of interest or other hazards that are greater for Family Members than for other employees, which warrant the District's refusal to permit employment of Family Members in the same department, division, or facility.

If Human Resources determines that either of the above circumstances exists, Human Resources may either reject the Applicant or consider the Applicant for employment in a position that does not present either of the above circumstances.

Following examination, if the Applicant is successfully certified as eligible, he or she may be employed in a position for which Human Resources has determined that neither circumstance exists pursuant to Section C above ("Review by Human Resources").

When an eligible Applicant is refused appointment by virtue of this policy, his/her name will remain on the eligibility list for openings in the same classification. For each opening, Human Resources will make a determination consistent with Section C above ("Review by Human Resources").

### **Guidelines for Current Employees**

Duty to Report: Employees- must report a Change of Status to Human Resources within a reasonable time after the effective date of the Change of Status. Wherever feasible, Employees must report a Change of Status in advance of the effective date.

### **Review and Decision by Human Resources**

Human Resources will 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.

Human Resources will consult with an affected Division Manager to make a good faith effort to regulate, transfer, condition or assign duties in such a way as to minimize potential problems of supervision, safety, security, or morale.

Notwithstanding the above provisions, the District retains the right to exercise its discretion to determine that the potential for creating an adverse impact on supervision, safety, security, or morale cannot be sufficiently minimized and to take further action under this Section.

Human Resources will issue a written decision within 30 days from receipt of notice of a Change of Status.

### **Appeal of Decision by Human Resources**

Current Employees and Applicants affected by the application of this Section may appeal the action to the General Manager within five days of receipt of the Human Resources decision.

The General Manager will hear the individual's concerns and issue a written decision within 30 days of the receipt of the individual's 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 under other provisions of this handbook or other District rules or policies.

### **Monitoring by Division Manager**

Following a Change of Status or new hire of a Family Member, affected Division Managers must reasonably monitor and regulate both Family Members' conduct and performance for a period of one year from the date of the Human Resources determination. The Division Manager will document these actions. Successive Division Managers may re-visit such a determination at their discretion.

If the Division Manager determines, subject to any applicable requirements of due process, that an employee has engaged in Prohibited Conduct, the Division Manager will revisit the Human Resources determination. Depending on the severity of the Prohibited Conduct, the Division Manager may recommend that Human Resources take one or more of the following additional measures:

- Transfer one of the Family Members to a similar position that would not be in violation of this policy and would not be a promotion. The transfer will be granted provided the Family Member 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.

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- If the situation cannot be resolved by transfer, one of the Family Members must separate from District employment. If one of the employees does not voluntarily resign, the employee with primary responsibility for the Prohibited Conduct will be discharged.

Division Managers who receive complaints from other employees that one or more Family Members has engaged in Prohibited Conduct must respond in accordance with existing complaint and disciplinary procedures, where applicable.

Where situations exist prior to the effective date of this Section that may be in conflict with this Section, every effort will be made to reasonably address the situation so as to avoid any future conflict.

**Employee Complaints**

Employees who believe that they have been adversely affected by Prohibited Conduct by a Family Member should submit complaints to a Division Manager or to Human Resources.

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**Authority:** General Manager

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Michelle Niven  
Author (print and sign)



02/13/2024  
Date

Annabel Grimm  
General Manager



13 Feb 2024  
Date

Approved by the Board of Directors on: **January 25, 2024**