



## PERSONNEL RULES

## EMPLOYEE STANDARDS **NEPOTISM** §1308

**Overview:** Due to the potential for perceived or actual conflicts of interest that may impact daily working relationships, such as favoritism or personal conflicts from outside the work environment, Tehama County employees are prohibited from having any supervisory authority over a family member.

**Applicable to:** All Tehama County employees and candidates for employment

**Definitions:** Director Supervisor/Direct Supervision – This is characterized by the person physically present and supervising daily tasks of the subordinate. This person is generally the person who assigns work, evaluates the employee, enforces rules, and imposes discipline.

Family Member – Spouse or significant other; natural, step or legal: child, grandchild, parent, grandparent, sibling, niece, nephew, aunt, uncle; father-in-law; mother-in-law; son-in-law; daughter-in-law or individual living in the employee's immediate household.

Indirect Supervisor/Indirect Supervision – This is characterized by some form of authority over the work of the employees, but does not directly supervise the employee. In other words, is responsible for the work, but not the worker. A good example of an indirect supervisor may be a Department Head, as opposed to the Office Manager.

Line of Supervision – The connection of an employee and a supervisor on an organizational chart. For example, Bob is supervised by Mary, who is supervised by Joe, who is supervised by Tom. Bob and Tom are in a "line of supervision".

Nepotism – The practice of an employee using his or her influence or power to aid or hinder another in the employment setting because of a personal relationship.

Personal relationship – For the purpose of this rule, personal relationship include association by blood, adoption, marriage and/or cohabitation. In addition, there may be personal relationships beyond this general definition that could be subject to this rule.

Significant Other – A person with whom someone has an established romantic or sexual relationship.

Supervisory Authority – Authority over matters such as hiring, retention, transfer, promotions, performance evaluations, discipline, leave requests and compensation decisions.

**Guidelines:** Tehama County is committed to a policy of employment and advancement strictly based on qualifications and merit. It is found by the County that a business purpose exists relating to supervision, safety, security, and morale, and the public's trust in the agency's qualifications and merit-based employment practice, and dictates that a prohibition on supervision of family members within County departments is essential to the equal and fair treatment of employees and applicants.

Department Heads shall not employ, or recommend for employment, any family members to a position in their department. Other appointing authorities, and/or supervisors shall not employ, or recommend for employment, any family member to a position of employment in which they would have any direct or indirect supervisory authority over said family member.

This criteria must also be considered when assigning, transferring or promoting an employee. Under no circumstance shall any employee be appointed, transferred or promoted to a position within any department, division or office in the County who is a family member of an employee in a position of direct or indirect supervisory responsibility of said department, division or office.

In addition, no special consideration shall be given to any applicant for employment who is a family member of any County employee. Applicants are required to disclose the name, relationship and department of any relative working for Tehama County.

Board Members shall abstain from voting on personnel matters that uniquely affect his/her family members. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs.

**Procedure:** Responsibilities for implementation, application, and enforcement of this Rule are listed below.

*Employee* It is the responsibility of the employees who are in a relationship prohibited under this rule or anticipate being in a relationship prohibited under this rule to immediately notify their supervisor or department head of such relationship.

Thereafter, either of the individuals must take one of the following actions within 30 days:

- Transfer to a vacant position that is lesser or equal in pay, if they meet the minimum qualifications and upon approval by the Department to which the employee is transferring.
- Apply for any vacant position for which he or she is qualified within the County. However, the length of the recruitment period or failure to secure the position does not justify additional time beyond the 30 day period.
- Resign their position

During those 30 days, the supervisory employee shall not have any involvement or direct input in the employment decisions of the other employee. Failure of either employee to voluntarily change employment status within 30 days is a violation of this rule and will thereby result in imposition of disciplinary action to resolve the issue, up to and including the termination of the employee in the role of supervisor authority.

Failure for the employee in the role of supervisory authority to disclose the existence of a relationship with any other employee or applicant to which he/she has a line of authority will result in disciplinary action, up to and including termination.

*Department Head* Department Heads may consult Personnel or County Counsel with concerns or questions regarding this Rule. It is the responsibility of the Department Head to notify the Personnel Director upon knowledge of any actual or suspected relationships that would be considered a family member relationship between an employee with supervisory authority and a subordinate employee within their department, office or division.

*Personnel Director* The Personnel Director and/or County Counsel may assist Department Heads in the interpretation of this Rule. If the Personnel Director is notified of a claim from the Department Head, he/she can determine the validity of the claim.

The Personnel Director may make reasonable efforts to assist the employee in the supervisory role in seeking transfer or reassignment, but the sole responsibility for securing an alternate position rests on the employee.

*Job Applicants* It is the applicant's responsibility to disclose the name, relationship and department of any family member working for the County when completing the Tehama County Employment Application.

**Required Forms:** Tehama County Employment Application (when applicable)

**References:** Tehama County Nepotism Policy

**Effective Date:** TBD

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*