



City of Vernon, California
Human Resources Policies and Procedures

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SUBJECT: **Nepotism**

PURPOSE: To provide guidelines concerning the employment of relatives.

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
Children/Stepchildren
Daughter/Son-in-Law
Parents/Stepparents
Sister/Brother
Sister/Brother-in-Law
Father/Mother-in-Law
Grandchildren
Grandparents
Uncles/Aunts
First Cousins
Nephews/Nieces

Relatives shall also include persons who fall into the above categories by a previous marriage, adoption, half-relatives, and step-relatives.

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 Section 300.

Registered Domestic Partner – Two individuals who are registered as domestic partners with a local domestic partner registry as defined in California Family Code Section 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 newly hired, promoted, or transferred employee.

POLICY:

- It is the policy of the City of Vernon that relatives of elected officials, department heads, and any other City employee 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 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, employees, members of the City Council, or 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 that 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 so as to avoid conflicts of interest or violation of this policy. If no conflict of interest exists because the employees have no direct supervisory relationship, working interrelationship, or evaluative 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 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 on the basis of marital status or relationship to another City official or employee.

PROCEDURE

- The employee is responsible for immediately notifying his or her department head of an impending or existing relationship covered under this Policy with another employee within the same department, or with an officer or elected official of the City. In the case of reporting by the City Administrator or City Attorney, he or she is to report directly to the City Council. The department head shall report directly to the City Administrator. 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 Administrator shall determine whether, based upon a relationship/marital status existing prior to adoption of this Policy or which are created after an employee is hired by the City, the continuing employment or promotion of an employee has the potential for creating adverse impact on supervision, safety, security, morale or involves potential conflicts of interest. Should the City Administrator determine that the relationship does not have the potential for creating adverse impact on supervision, safety, security, morale or involve potential conflicts of interest, the employee may continue his or 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 Human Resources Director, in consultation with the affected employees and their department head, and the City Attorney as necessary, will attempt to resolve the issue through transfer

or reassignment of one or both employees in order to correct the conflict or issue identified.

- If the conflict or issue cannot be accommodated through transfer or reassignment, 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 that/those reason(s), and shall be notified in writing of same by the City Administrator
- Any existing 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. Otherwise, an employee may file for a review within ten (10) business days from the date of the receipt of the notice or forfeit such right to appeal. Employees must file a written notice to the City Administrator appealing the singular issue as to whether or not the dismissed employee is related to another employee, City Council member, department head or other employee, as defined by this Policy.