

MANAGEMENT DIRECTIVE

NEPOTISM

Management Directive # MD 15-02

Date Issued: **12/28/15**

New Policy Release

Revision of existing Management Directive dated

Cancels: None

POLICY/BACKGROUND STATEMENT

The intent of this policy is to prevent nepotism by regulating the employment of relatives within the Department of Children and Family Services (DCFS). The objective is to avoid any real or perceived conflict of interest, favoritism, or unfair patronage that may arise with employment of relatives in the Department.

POLICY

At the time a candidate applies for a position in the Department, the person must identify any relative known to be employed within the Department in order for management to make a well informed decision regarding the placement of the candidate to any position as part of the selection process for hiring or promoting.

Relative is defined as an employee's spouse, registered domestic partner, child, mother, father, grandparent, stepfather, stepmother, stepchild, brother, sister, stepbrother, stepsister, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, aunt, uncle, cousin, niece, or nephew, and any other genealogical or marital relationship.

Current employees are required to disclose relatives known to be employed within the Department to their supervisor in order for management to ensure that there is no real or perceived conflict of interest, favoritism, or unfair patronage within any division.

Relatives shall not be assigned within the same organizational division with the same immediate supervisor.

If a situation arises, either because of a new hire, transfer, promotion, reorganization, domestic partnership and/or marriage in which relatives are employed within the same division, management shall transfer or reassign one of the individuals to a comparable item in a different division in the Department, if possible.

Relatives shall not be assigned to positions of intermingling trust in the handling of negotiable documents, controlling of security systems, or accessing confidential information. Those relatives who are in positions of significant trust must ensure that they avoid any procedure or transaction in which a relative may be a participant or have a special interest. If an employee is inadvertently assigned to such a position, it is the employee's responsibility to report it to the supervisor immediately so as to enable management to maintain the integrity of the procedure or transaction through workflow changes or reassignment.

Employee shall be responsible for notifying management if a relationship with a supervisor within the same chain of command changes because of marriage. If a situation occurs where the employees are supervisor-subordinate, then the subordinate employee shall be transferred or reassigned to a comparable item in a different division in the Department. Under no circumstances shall any employee be involved in a supervisor-subordinate work role with a spouse or other relative.

EXCEPTIONS

In any situation that is not in compliance with the provisions of this policy, the division manager may request an exception by the Department Head or designee. The division manager shall submit the functional responsibilities of the related employees in writing with detailed explanation of why the working relationship will not:

1. Be or present an appearance of a conflict of interest or preferential treatment;
2. Impair the employees' ability to exercise fairness and sound judgment in performing duties;
3. Create an environment of low morale and/or hostility in the workplace; and/or
4. Negatively impact the County's business or reputation amongst employees and the public

When evaluating the appropriateness of the Exception Request to the policy, the overall objectives of the policy should be weighed against the reasons for the requested exception. All requests for exceptions shall be decided on a case-by-case basis and be completed within 10 business days. Both employees may remain in their current assignment while awaiting the decision from the Department Head or designee.

If the request for an exception is denied and both related employees are at the same level, the division manager shall meet with both employees to discuss a voluntary reassignment based on available positions and Departmental needs. If neither employee volunteers to be reassigned, the division manager shall consider reassignment based on seniority of the related employees within the division and/or the business needs of the division.

If the request for an exception is denied and neither related employee agrees with the decision of the Department Head or designee and division manager, then the employee may file a Grievance. During the Grievance process, the decision of the Department Head or designee and reassignment to a comparable item in a different division in the Department by division manager shall stand. Exception Requests should not be granted when an employee is involved in a supervisor-subordinate work role with a spouse or other relative.

NOTIFICATIONS

The Department shall review this policy with each incoming employee and document the review for the personnel file. An additional review and documentation with employees shall take place during each employee's Annual Performance Evaluation.

DISCIPLINARY ACTION

Any Department employee who violates this policy is subject to prompt and appropriate disciplinary action which may include suspension, reduction, or discharge from County service. Any candidate for employment with the Department who fails to disclose relatives known to be working with the Department may be subject to disqualification from consideration for the position sought, or, if discovered after appointment, are subject to disciplinary action, as mentioned above.

LINKS

None

RELATED POLICIES

Department of Human Resources (DHR) – Policy/Procedures Memorandum
Effective February 1, 2011

FORM(S) REQUIRED/LOCATION

HARD COPY: None

LA Kids: None

CWS/CMS: None

SDM: None