

MENDOCINO COUNTY POLICY # 52	NEPOTISM AND FRATERNIZATION
ADOPTED: October 2, 2018	ADOPTED BY: Minute Order

## 1.0 PURPOSE

This policy is intended to avoid conflicts of interest between work-related and personal/family obligations; reduce favoritism or even the appearance of favoritism; prevent personal/family conflicts from affecting the workplace; and decrease the likelihood of sexual harassment and/or gender discrimination in the workplace.

## 1.1 DEFINITIONS

The following definitions apply to each section of this Policy.

- a. "Relative" means spouse, child, parent, grandparent, grandchild, brother, sister, aunt, uncle, cousin, niece, nephew, legal guardian, or the equivalent step- and in-law relationships enumerated by marriage or domestic partnership.
- b. A "romantic relationship" exists when two individuals become personally involved with each other to the point that there is dating, exchange of personal affection, sexual or physical intimacy and/or cohabitation, without being married or registered as domestic partners to one another.
- c. To "Co-habitate" means when two individuals who are in a romantic relationship live together, share room or board, without being married or registered as domestic partners to one another.
- d. "Spouse" means one of two persons to a marriage, or two people who are registered domestic partners, as defined by California law.

## 1.2 NEPOTISM

**A. Employment of Relatives.** The County will not appoint, promote or transfer a person to a position within the same department, division, or facility in which the person's relative already holds a position, if any of the following would result: (a) a direct or indirect supervisory authority to hire, supervise, transfer, suspend, layoff, recall, promote, discharge, assign, reward, discipline, evaluate or audit the performance of either such person; (b) the two individuals having job duties which require performance of shared duties on the same or related work assignment; (c) both individuals having the same immediate supervisor; or (d) a potential for creating an adverse impact on supervision, safety, security, morale or efficiency, in the opinion of the appointing authority. An individual who has a romantic relationship with the employee is included within, and only for, the purposes of this policy.

**B. Spouse or Domestic Partners.** The County will not appoint, promote, or transfer a person to the same department, division, or facility in which the person's spouse or registered domestic partner already holds a position, if such employment would result in: (a) one spouse or domestic partner being under the direct supervision of the other spouse or domestic partner; or (b) potential conflicts of interest or hazards for married persons or those in domestic partnership which are greater than for those who are not married or in domestic partnerships.

**C. Accommodation for Co-Employees Who Marry:** If co-employees marry, the appointing authority, in consultation with Human Resources, will attempt to do any of the following: 1) redefine the job responsibilities of the married employees within the Department to minimize the conflict or issues relating to supervision, safety, security or morale; or 2) if the reassignment of job duties is not feasible, attempt to transfer one spouse or other relative, if feasible and consistent with County needs for supervision, safety, security or morale, to a similarly classified position in another County department, division or unit. An employee who disagrees with the provided accommodation may meet with the HR Director to discuss alternatives. Any such transfer that results in a salary reduction is not disciplinary and is not subject to any grievance or appeal, or pre- or post-disciplinary appeal due process. Any such transfer to the same classification shall not result in a salary reduction. However, the County decision on appropriate accommodations shall be final.

### 1.3 FRATERNIZATION

**A. Supervisor/Subordinate Romantic Relationships Prohibited.** In order to promote efficient operation of the County and to avoid misunderstandings, the appearance of a conflict of interests, complaints of favoritism, other problems of supervision, security, morale, and possible claims of sexual harassment and/or gender based discrimination, romantic and/or sexual relations between supervisors and subordinate employees are prohibited.

**B. Co-Employee Romantic Relationships In The Same Division or Unit Within Department Prohibited.** In order to promote efficient operation of the County and to avoid formation of cliques and factions, claims of sexual harassment and gender based discrimination, and the blurring of professional and personal responsibilities and relationships in the workplace, romantic and/or sexual relationships between co-employees in the same division or unit within a Department are discouraged and must be disclosed to the County.

### 1.4 REPORTING

Employees have an affirmative duty to disclose to their appointing authority and to the Human Resources Director any activity or relationship to which they are a party that would violate this Policy or the County's Conflict of Interest Statement.

## **1.5 ENFORCEMENT**

The County reserves the right to reasonably investigate the situation and determine whether an employee has violated this policy. "Reasonably investigate" means that the County has received credible information that the policy may have been violated which triggers the obligation to investigate. If the County determines that a proscribed relationship (as defined by this policy) exists, remedial and/or disciplinary measures, including but not limited to a transfer, reassignment, or dismissal, shall be utilized to mitigate issues that arise relevant to the enforcement of this policy.

The County retains the right to refuse to place employees engaged in relationships subject to this policy in the same department, division or unit where it has the potential for creating adverse impact on supervision, safety, security or morale or involves potential conflicts of interest.

If the appointing authority finds there is significant need to request an exception to this policy, a memo establishing the justification for the request, an organization chart explaining the functional responsibilities of the related employee, and a statement of why it is believed problems will not result, shall be forwarded to the Director of Human Resources who will review the request and make a recommendation to the Chief Executive Officer. The final decision regarding the granting of an exception to the nepotism policy will be made by the Chief Executive Officer.

Nothing in this Policy is intended to authorize any activity or employment status that would otherwise be prohibited by any county ordinance or policy, including the County's Conflict of Interest Statement.

Notwithstanding any other provision, this Policy shall not apply to any employee appointed prior to the operative date of this policy, but shall apply upon transfer, promotion, or change in marital, familial (relative), romantic status of that employee after the operative date of this policy.

## **1.6 CONFIDENTIAL CONSULTATION**

An employee who has questions about this policy and how it may or may not apply to a particular situation may contact the Assistant Human Resources Director in Human Resources at 707-234-6600 for a confidential consultation. An employee seeking such a consultation is not required to provide personally identifying information.