

Employment of Relatives (Nepotism)

Objective:	To establish limits on the employment of relatives and commit to the highest standard of professional conduct ensuring that relationships within County government do not create conflicts of interests and situations that might impair objective judgment.	Policy/Procedure Number:	02-07
Reference: (All applicable federal, state, and local laws)	Tompkins County Code of Ethics; NYS Civil Service Law, Article 14;	Effective Date:	January 12, 1981
Legislative Policy Statement:	It is Tompkins County's policy to hire, promote and transfer employees on the basis of individual merit and to avoid any suggestion of favoritism or discrimination in making such decisions. The purpose of this policy is to promote a positive work environment.	Responsible Department:	Human Resources
General Information:	This policy and the Code of Ethics does not absolutely prohibit relatives from working for the County, however questions of fairness and impartiality may arise in such situations. The County can minimize these concerns if the County conducts all hiring activity in a fair, open, and impartial manner.	Modified Date (s):	August 13, 1991; August 2019
		Resolution No.:	2019-171
		Next Scheduled Review:	August 2024

I. Definitions:

Conflicts of Interest - For the purpose of this policy, a conflict of interest shall mean a situation in which the employee of the relative would be in a position to affect the terms and conditions of one another's employment, including making decisions about work assignments, compensation, discipline, advancement or performance evaluation.

Employee - All persons filling positions of any rank within County government, including elected or appointed officials, paid staff, and members of any administrative board, commission, or agency of that government.

Nepotism - The practice among those with power or influence of favoring relatives or friends, especially by giving them jobs.

Relative - A parent, step-parent, spouse, spouse equivalent, domestic partner, sibling, step-sibling, sibling's spouse, natural or adopted child, step-child, grandparent, parent of spouse or spouse equivalent or domestic partner; including in-laws and members of the household of an employee, and individuals having any of these relationships to the spouse of the employee.

II. Policy:

Employment of Relatives

Tompkins County permits members of the same family to work at the County. However, the County will not authorize an appointment where employment would result in nepotism or in a possible conflict of interest.

A. Except as otherwise required by law, a relative of a current Tompkins County employee may not be employed under any of the following circumstances:

1. No employee may supervise or be supervised by a relative directly or indirectly. For example: No employee of a department may be related to the Department Head. However, an employee in Unit A of a department may be related to the Director of Unit B, provided the Director has no direct or indirect supervisory responsibility over Unit A.
2. Relatives of members of the Mental Health Community Services Board, the Board of Health and the Advisory Board on Indigent Representation may not be employed in the respective departments.
3. An employee cannot participate or have influence in any decision (formally or informally) or use his/her position to secure any decision, that affects the hiring/appointment, continuation, implementation, termination, compensation, benefits, evaluations, promotions, disciplinary actions, or terms and conditions of a relative's employment.
4. Relatives shall not be employed in the same department if the Department Head and/or Supervisor determines that safety, efficiency, morale, or administration of the department's operation is adversely affected.
5. When other circumstances exist that may lead to potential conflicts of interest of one or both parties in the best interests of Tompkins County.
6. Any pre-existing family relationships that predate this policy shall be exempt under this policy. However, if the existing employment relationship is changed so that this conflict no longer exists, i.e., the relative is in a position that no longer directly reports to the relative supervisor, this policy will apply for future employment decisions.

Post-Employment Relationships

- B.** If two (2) employees subsequently begin a personal relationship similar to those identified above (e.g. marriage, dating, cohabitation), or one that, in the County's judgement creates potential conflicts of interest or the perception of favoritism:
1. It is the responsibility and obligation of the employees involved to disclose the existence of the relationship to their Department Head and the Commissioner of Human Resources.
 2. The Department Head in conjunction with the Commissioner of Human Resources shall make reasonable efforts to minimize problems and reserves the right to address the concern through reassignment of duties or relocating and/or removing an employee from their position.

II. Procedure:

A. Policy Exceptions

Any exceptions to the above policy required to fill job titles must adhere to the following requirements prior to any offers of employment or appointment:

1. The Department Head is to create a written Nepotism Compliance Plan and Agreement that describes the situation warranting an exception, outlines the plan to address and avoid conflicts of interest and nepotism, and must include the signatures of all affected parties including employees involved, Department Head(s), the Commissioner of Human Resources, and the County Administrator. See Attachment A for general plan outline. This may need to be adapted to suit different circumstances.
2. The Nepotism Plan and Agreement must then be proposed by the Department Head and the Commissioner of Human Resources for approval to the Legislative Committee responsible for the Human Resources function and the committee to which the involved department(s) reports. Once approved by the appropriate Legislative Committees, the Chair of those Committees must sign the proposed plan.

Appendix A

Nepotism Compliance Plan and Agreement (Regarding Employment Relationships to Immediate Family Members)

It is the goal of Tompkins County to seek qualified candidates for County positions through appropriate search procedures preceding each appointment. There shall be no bars to the appointment of immediate family members in the same or different units and/or departments as long as prior to employment or appointment, an exception to Tompkins County Administrative policy 02-07 (Employment of Relatives) has been approved by the Legislative committee responsible for the Human Resources function, has been approved by the Legislative committee to which the particular Department reports, and an approved written plan to address potential conflicts of interest that may arise from that relationship has been established and agreed upon.

Background

[Insert background information regarding the situation needing an exception to policy]

Plan

In compliance with the provisions of the aforementioned policy, both of which require the establishment of a plan intended to avoid conflicts of interest that may otherwise be created by the direct or indirect supervision of family members, all parties shall agree to the following provisions:

- [List provisions of plan]

This plan is hereby memorialized in the form of a Compliance Agreement signed by all affected parties.

Agreement

This is to certify that I have read the above stated plan and agree that I fully understand the terms of that plan. I agree to abide by and enforce the elements of that plan.

Employee(s) Date: ____/____/____

This is to certify that I have read the above stated plan and agree that I fully understand the terms of that plan. I agree to abide by and enforce the elements of that plan.

Department Head(s) Date: ____/____/____

As County Administrator and Human Resources Commissioner, we recognize that this employment relationship requires the special written provisions provided herein and consistent oversight to ensure that decisions related to personnel matters are not based on the relationship of an immediate family member. We have discussed the responsibilities relating to the compliance with Tompkins County policy and Code of Ethics with the employees involved. We recognize that we are responsible for acting upon and coordinating the investigation of concerns regarding conflicts of interest or favoritism involving members of the same immediate family.

County Administrator Date: ____/____/____

Human Resources Commissioner Date: ____/____/____

As provided in the County's Code of Ethics and Administrative Policy, the Legislature's [Committee Name which Department reports] Committee and the Legislature's Budget, Capital, and Personnel Committee has reviewed and approved the above stated plan.

[Committee Name] Committee Chair Date: ____/____/____

Budget, Capital, and Personnel Committee Chair Date: ____/____/____