

 <p style="text-align: center;"><b>Orange County Sanitation District Personnel Policies</b></p>	<b>Policy Number: 1.6</b>
	<b>Effective Date: September 26, 2018</b>
<b>Subject: Nepotism</b>	<b>Supersedes: June 8, 2011</b>
<b>Approved by: General Manager</b>	

## 1.0 PURPOSE

- 1.1 The purpose of this policy is to avoid the possibility of nepotism in hiring, promoting, evaluating, awarding salary, and disciplining employees and to ensure that employment decisions are based on the individual's qualifications for the position, ability, and performance.
- 1.2 OCSD does not tolerate favoritism, the appearance of favoritism, conflicts of interest or the appearance of conflicts of interest in employment and personnel decisions.

## 2.0 ORGANIZATIONAL UNITS AFFECTED

- 2.1 This policy applies to all Orange County Sanitation District (OCSD) employees regardless of their organizational unit, and employment applicants. Additionally, all persons who perform any services for OCSD including persons working under contract, regardless of their employment status, are covered by this policy.

## 3.0 DEFINITIONS

- 3.1 Near relative means a relative within the third degree by blood or marriage, including an individual's:

spouse	grandparent	nephew
fiancée	grandchild	cousin
domestic partner	great-grandparent	sister-in-law
parent/stepparent	great-grandchild	brother-in-law
sister/stepsister	aunt	son-in-law
brother/stepbrother	uncle	daughter-in-law
child/stepchild	niece	dependent

Near relatives shall also include persons who fall into the above categories by a previous marriage or adoption.

- 3.2 Supervisory Relationship means a supervisor-subordinate relationship between near relative employees, whether direct or indirect, that has the ability to impact the terms and conditions of employment, including, but not limited to, appointment, transfer, promotion, demotion, layoff, suspension, termination, recall, work assignments, performance evaluations, merit increases, training, or any other administrative action that may affect an employee; or near relatives reporting to the same immediate supervisor.

## 4.0 POLICY

- 4.1 It is the policy of OCSD not to discriminate in its employment and personnel actions with respect to its employees and applicants on the basis of marital and familial status.
- 4.2 Notwithstanding the above statement, OCSD retains the right to refuse to appoint a person to a position in the same department, division or facility, wherein his or her relationship to another employee has the potential for creating an adverse impact on supervision, safety, security, or morale, or involves a potential conflict of interest. The department head shall have the authority and responsibility for determining if such a potential for adverse impact exists or does not exist.
- 4.3 Near relatives of employees or of members of the Board of Directors shall not be hired, promoted or transferred into positions in which one near 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 near relative.
- 4.4 Near relatives of members of the Board of Directors shall not be employed in any position where there is a potential for adversely impacting the safety, security, morale or efficiency of supervision of other employees, or in which there may be created a potential conflict of interest.
- 4.5 No person shall be appointed, promoted, demoted, flexibly placed, or transferred to any position, whether exempt, permanent, provisional, acting, part-time, or temporary, in any division of any department, where such person's near relative already holds a position which would create a supervisory relationship.
- 4.6 No employee shall interview, recommend, or in any way be involved in the selection or disciplinary process of his or her near relative.
- 4.7 All current employees of OCSD on the effective date of this policy will not be allowed to remain in positions where they are in a supervisory relationship with a near relative, except in those situations where a direct level of supervision or the ability to impact the terms or conditions of employment of a relative does not occur.
- 4.8 There shall be no appointments to any position at OCSD of a near relative of any member of the Board of Directors or Executive Management Team without the express written approval of the Chair of the Board of Directors and the General Manager.
- 4.9 Any individual having appointive power shall not appoint or promote any of their near relatives to any position at OCSD.
- 4.10 Hiring, reinstatement, promotion or transfer which will result in near relatives of employees working in the same department may be permitted, but only in such cases where direct supervision or the ability to impact the terms or conditions of employment of the near relative does not exist.
- 4.11 In cases whereby persons who are near relatives are employed in the same department, action shall be taken by the Department Head, Division Manager, or Supervisor to protect against situations which:
  - may interfere with response to public health emergencies;
  - may adversely impact working conditions;

- may jeopardize confidentiality; and,
  - may suggest a conflict of interest.
- 4.12 Remedies to the cases referred to in Section 4.11 may include, but are not necessarily limited to, shift change, reassignment to another position or location, transfer, or a case-by-case basis, possible termination of one of the involved employees.
- 4.13 All appointments, transfers or promotions of near relatives under this policy will be evaluated under guidance of this policy and in terms of the extent to which the relationship could have an adverse effect on the operations of OCSD. This policy does not necessarily preclude the near relative or an OCSD employee applying for an OCSD position or promotion. The policy provides that the General Manager, or designee, may withhold approval to appoint a relative if such an appointment is not in the best interest of OCSD or does not follow this policy.
- 4.14 In those cases in which the aforementioned relationships exist, or in which employees marry or acquire a covered relationship, the Human Resources Department shall be responsible to ensure that work assignments are made or other steps taken so as to avoid conflicts of interest or violation of this policy. If no conflict of interest exists because employees have no working interrelationship, supervisory or evaluative control over one another, no action shall be necessary. If conflict exists, action may include reassignment to another position, work location, or work shift. If such reassignment or other alternative is not deemed appropriate by OCSD, one of the conflicted individuals may have to resign or be terminated.
- 4.15 Employees are responsible for immediately notifying their supervisor or the Human Resources Department of an impending marriage or the establishment of a near relative relationship with another employee of OCSD as specified in Section 3.1.
- 4.16 No persons who have a near relative working at OCSD may be hired without the approval of the General Manager, or designee. No OCSD employee who is related to any other OCSD employee may be transferred or promoted within OCSD without the approval of the General Manager, or designee.
- 4.17 The General Manager is responsible for enforcing this policy with the assistance of the Human Resources Department.
- 4.18 OCSD reserves the right to take action when relationships or associations of employees impact its mission.
- 4.19 OCSD retains the right to refuse to place a relative under the direct supervision of an OCSD employee, or place relatives in the same department, division, or facility, where such has a potential for creating an adverse impact on supervision, safety, security or morale.
- 4.20 OCSD will make reasonable efforts to assign job duties to eliminate any potential for an adverse impact on supervision, safety, security or morale, or potential conflicts of interest.
- 4.21 Except as otherwise provided by law or this policy, no employee, prospective employee or applicant shall be excluded from the competitive hiring and examination process or denied employment or benefits of employment solely on the basis of his or her familial relationship with an employee of the agency or a member of the Board of Directors.

## **5.0 PROCEDURE**

- 5.1 OCSD employees shall submit the Near Relative Notification form, which is attached to this policy, to the Human Resources Department within 30-days of the effective date of this policy, if they currently have near relatives working for OCSD or within 30-days of becoming a near relative of another OCSD employee. Failure by an employee to complete and submit the required Near Relative Notification to the Human Resources Department may be grounds for disciplinary action, up to and including termination of employment.
- 5.2 If the Human Resources Department determines that employment of near relatives in a supervisory relationship violates this policy, the Human Resources Department may transfer one of the employees to a vacant position in another division or department for which he or she is qualified. The determination of which employee will be transferred will be based upon the promotion of effective and efficient operations of OCSD. Transfer must be to the same or equivalent position in another department without loss of classification, salary or benefits to the employee who is transferred.
- 5.3 Any employee, contractor, or member of the Board of Directors who knowingly violates this policy may be subject to disciplinary action, up to and including the cessation of the respective relationship with OCSD.
- 5.4 In cases involving a near relative of a member of the Board of Directors, the matter will be referred to the Steering Committee, General Manager, and General Counsel for resolution.

## **6.0 EXCEPTIONS**

- 6.1 The General Manager may authorize exceptions to this policy whenever he or she determines that the best interests of OCSD so require. If an exception is granted, it shall be in writing and a copy placed in the employee's personnel file.

## **7.0 PROVISIONS AND CONDITIONS**

## **8.0 RELATED DOCUMENTS**

- 8.1 Near Relative Notification Form
- 8.2 Policy 1.4, Recruitment & Selection

# Orange County Sanitation District

## NEAR RELATIVE NOTIFICATION

<b>EMPLOYEE INFORMATION</b>	
Employee Name:	
Job Title:	Phone Number:
Department:	Division:

<b>NEAR RELATIVE INFORMATION</b>	
Near Relative Name:	
Job Title:	Relationship:
Department:	Division:
<b>Check all that apply:</b> 1. None: <input type="checkbox"/> 2. Supervisory Relationship: <input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Same supervisor 3. Sharing of Duties: <input type="checkbox"/> On the same work assignment <input type="checkbox"/> Related work assignments 4. Other ( <i>identify</i> ):	

**Note: Attach separate sheet for additional Near Relatives.**

I hereby certify that this is a true and correct statement and that I have identified all of my near relatives who work for the Orange County Sanitation District in any and all capacities.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_