

Subject: Anti Nepotism Policy	Number: 2-29
	Date Issued: May 7, 2007 Date Revised:
Responsible Department: Personnel Services	Approved:

Purpose

To provide rules and guidelines concerning the employment of relatives consistent with Section 807 of the Charter

Definitions

For the purpose of this policy, the following definitions apply:

“Nepotism” refers to hiring, supervising, providing higher earnings, giving promotions or other benefits to employees who are relatives by blood or marriage within the third degree.

“Relative by blood or marriage within the third degree” includes parents, children, siblings, grandparents, grandchildren, uncles/aunts, nieces/nephews, first cousins, great grandparents, and great grandchildren, as well as the spouses or domestic partners of each.

“Marriage” means an individual’s state of marriage, domestic partnership, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital state for the purpose of this policy.

“Domestic Partner” means an individual defined by Family Code.

“Appointments” for the purposes of this Administrative Order means any person who receives wages from the City whether through initial employment, promotion, board appointment, or through temporary or contract employment.

“Supervisory Employee” or “Supervisor” means any employee, regardless of job description or title, who has decision making authority over another, such as the ability to make assignments or approve overtime.

Policy

Section 807 of the Fresno City Charter contains anti-nepotism limitations applied to appointments to employment and to promotion decisions regarding relatives by blood or marriage within the third degree.

This Administrative Order is intended to clarify and document the application of this Charter Section while continuing a policy of non-discrimination in employment and personnel actions with respect to employees and applicants on the basis of marital or familial status.

Within the interpretation of this Charter Section, it is also the policy of the City of Fresno to preserve the integrity of its employment practices which includes review of applications for possible conflict of interest based on nepotism. In keeping with historical practice, Section 807 is interpreted to prohibit

direct supervisory relationships between family members within the third degree of relationship. A family member is a person related to an employee by blood, marriage, domestic partnership or adoption. No employee shall directly supervise, initiate, or participate in personnel actions which include, but are not limited to, appointment, transfer, promotion, demotion, layoff, suspension, termination, recall, work assignments, performance evaluations, time keeping, pay increases, grievances, training, or any other personnel action that may affect another City employee who is a family member as specified above.

Procedures

The Personnel Services Department is responsible for processing all employment applications, conducting recruitments and administering job-related tests to determine the applicants qualified for available positions. To the extent that familial relationships are known, the Personnel Services Department shall monitor hiring decisions and promotional opportunities with fairness and consistency in the application of Charter Section 807.

The Personnel Services Department is also responsible for investigating complaints of discrimination based on marital or familial relationships in the workplace and making recommendations to the appropriate Department Directors.

Department Directors are responsible for ensuring that employees within their supervision are provided with a workplace which minimizes the potential for creating adverse impact on supervision, safety, security or morale. Department Directors are responsible for ensuring that employees are made aware of the specifics of this Anti-Nepotism Policy and for applying it to employees under their supervision. Department Directors and other supervisors who become aware of relationships between employees will investigate whether the relationship is between family members and falls within supervisory direction or authority, both as described above. If either is so, the Department Director will consult with the Personnel Services Department to resolve any conflict.

In those situations in which current employees may face nepotism issues due to changing familial status, the Personnel Services Department shall work with the affected Department Directors to develop alternatives which address the needs of the situation. The Personnel Services Department shall review each case of possible violation of Charter Section 807 with case-by-case consideration and individualized assessment of the particular work situation.