SUBJECT: EMPLOYMENT OF RELATIVES

EFFECTIVE: January 25, 2007 **REVIEW DATE:** Five (5) Years

SUPERSEDES: April 14, 2003

AUTHORITY:
The Department of Human Resources is responsible for developing, implementing and updating policies and procedures supporting employment standards, programs and benefits as delegated by the Board of County Commissioners and the Hillsborough County Administrator. *Please refer to Florida Statute: Restriction on employment of relatives, Civil Service Rule: Employment of Relatives, Human Resources Policy and Procedure: Regulating Personal Relationships in the Workplace, and Administrative Directive: Human Resources Policy and Procedure Development.*

PURPOSE:
To provide a standard policy to regulate hiring two or more individuals from the same immediate family.

POLICY:
Employment of family members can cause various problems, including charges of nepotism, favoritism, conflicts of interest, family discord, and scheduling conflicts that work to the disadvantage of both the County and its employees.

1. This policy applies to all employment decisions including, but not limited to, those concerning new hires, promotions, demotions, transfers, and changes in categories of employment (such as moving from temporary to permanent service) and may be considered and used as a basis to grant or deny any personnel action.

2. The County may refuse to employ, appoint, promote or transfer any person to a position in the same department, division and/or facility, when his/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.

3. Whenever an appointment is made, whether on a regular, temporary, full-time or part-time basis, it shall be made solely with regard to the qualifications of the appointee and subject to the provisions of this policy. These conditions apply to the initial appointment and continuation of employment.

4. The County may employ members of the same family except in the following situations:

   A. When one member of a family is in a position to make or influence decisions in personnel matters such as the hire, promotion, retention, or salary of another member of the same family (Supervisor – Subordinate Relationship).

   B. When one family member is responsible for supervising, directing, or evaluating or influencing the evaluation of the work of another member of the same family (Supervisor – Subordinate Relationship).

   C. When other situations exist which, may place members of the same family in circumstances of actual or reasonably foreseeable conflict between the interests of the County and the interests of the family members.

5. Failure to disclose conflicts or a potential conflict is unethical, may be Illegal and shall be a violation of this policy. This policy provides a means to ensure that both potential and actual conflicts of interest are prevented so responsibilities can be performed without compromise.

DEFINITIONS:

Supervisor: The employee in direct authority over another employee. For the purpose of this policy, this encompasses the person who evaluates the employee, and/or makes assignments to the employee, or has authority to hire or fire, or to determine or make recommendations on the hiring, firing, salary or other terms and conditions of employment of the employee.

Supervisor-Subordinate Relationship: The supervisor-subordinate relationship shall be interpreted to include the relationship between the immediate supervisor and subordinate, as well as any person within the succession of authority (chain of command) over the employee, that has the ability to make decisions and/or influence the hiring, firing, salary or other terms and conditions of employment.

Family Members: According to Florida Statute: Restriction on Employment of Relatives, family members shall include the following relationships, whether established by blood (consanguinity), marriage (affinity), or other legal action: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, and half-sister.

For purposes of this policy, Hillsborough County Administrator's Office also recognizes the following relationships as being family members: grandmother, grandfather, granddaughter, grandson, great-grandmother, great-grandfather,

great-granddaughter, great-grandson, step-grandmother, step-grandfather, step-granddaughter, step-grandson, grandmother-in-law, grandfather-in-law, granddaughter-in-law, grandson-in-law, and a spouse of any of the above mentioned relationships.

Death or divorce ends a relationship of affinity (marriage) unless there is a living child of the marriage, in that case an ex-spouse would be considered to be a relative.

Prospective Candidate: An individual who has completed an application for employment and is seeking a position with Hillsborough County through:

1) Initial appointment (new hire)
2) Promotion
3) Demotion
4) Other class transfer
5) Lateral transfer

PROCEDURE:

1. All applicants for employment must disclose the identity of all family members working for the County on their application for employment.

2. During the interview process, all prospective candidates must be asked if they have any family members currently working for Hillsborough County.

   A. All prospective candidates that indicate that they do not have any family members working for Hillsborough County and are subsequently offered employment, will be required to complete and submit an Employment of Relatives Disclosure Statement during employment processing, validating that they do not have family members working for the County. It shall be the responsibility of Department Director's/Agency Heads to ensure the completion, review, and submittal of this required documentation *(ATTACHMENT).*

   B. In the event that a prospective candidate has a family member currently employed with the County, the candidate must complete an Employment of Relatives Disclosure Statement at the time of an offer of employment.

      1) The completed Employment of Relatives Disclosure Statement shall be reviewed and forwarded by the Agency Head and/or Department Director to the Department of Human Resources for review.

      2) No promise or offer of employment made to a person (covered under this policy) shall be valid, effective, and enforceable until

such time that the Department of Human Resources has determined that no conflict exists.

3) In the event that a determination is made that a conflict exists, an offer of employment shall be void and rescinded.

3. Whenever an employment decision affects an employee's reporting relationship and/or employment status (promotion, demotion, transfer or change in employment category) an Employment of Relatives Disclosure Statement must be completed by the employee and submitted to their Department Director/Agency Head for review and processing.

4. When it becomes necessary to fulfill staffing or business needs through temporary assignments which may affect an employee's work location and/or reporting structure, the completion of an Employment of Relatives Disclosure Statement shall not be required; however, management shall ensure that such assignments will not violate this policy.

5. As soon as a current employee becomes aware that a family member intends to apply for a position within their department, the employee must immediately remove himself/herself from the entire hiring process and declare their relationship in writing to their immediate supervisor.

6. As soon as a current employee's family member accepts a position with the County, the employee must immediately report such by completing an Employment of Relatives Disclosure Statement and submitting it to their Department Director/Agency Head for review and processing.

7. If current employees working in the same department become family members, they must notify their supervisor and immediately complete and submit an Employment of Relatives Disclosure Statement to their Department Director/Agency Head. The completed Employment of Relatives Disclosure Statement shall be reviewed and forwarded by the Agency Head and/or Department Director to the Department of Human Resources for review.

8. It will be the responsibility of each employee to keep the disclosure of all familial relationships current by completing and submitting the Employment of Relatives Disclosure Statement to their Department Director/Agency Head.

9. Failure to disclose familial relationships or potential conflicts of interest shall be a violation of this policy and may result in disciplinary action up to and including termination.

10. All Employment of Relatives Disclosure Statements will be reviewed by the Department of Human Resources and will be evaluated to determine the extent of current or potential conflicts of interest, or the appearance thereof. Consideration will include, but not be limited to the following:

    A. Size of the department/division.

    B. Closeness or remoteness of the relationship between the family members.

    C. Reporting relationships within the organization and the likelihood that the employees would work together or either employee would be in a position to influence any aspect of the other's employment.

    D. Degree to which the action would aid the department in attaining an applicable affirmative action goal.

    E. Level, status, and geographic location of the positions.

    F. Extent to which the proposed employment may reduce management's flexibility with respect to work assignments or future transfer or promotion of such person.

    G. Availability of other qualified, suitable, and interested applicants for the position.

11. Upon receipt and review of Employment of Relatives Disclosure Statements, the Department of Human Resources may require the following information from the originating department to assist in determining the extent of current, potential or the appearance of conflicts of interest:

    A. Names of the prospective candidate and/or employee and the person whose employment causes the conflict, as defined by this policy, and their relationship to one another.

    B. A current organizational chart that identifies both positions and shows the reporting relationships within the organization.

    C. Status of the position under recruitment (e.g., permanent, limited, temporary, etc.).

    D. Proposed starting date of employment.

12. The Department of Human Resources shall make a determination if a conflict exists, in violation of this policy and will report such findings in writing to the Agency Head and/or Department Director.

13. When a conflict is identified and it has been determined that it is not in the best interests of the County to employ members of the same family within the same department/division, the family member seeking employment shall be notified in writing of the determination that employment shall not be permitted, under this policy, to a position within the department/division where employment had been sought.

14. No promise or offer of employment made to a person covered under the provisions of this policy (including, but not limited to, the approval of transfers, promotions, demotions, reclassifications, or any other change in position or permanent workplace assignment) shall be valid, effective, and enforceable unless approved by the Human Resources Department.

15. Should two (2) permanent employees, within the same department/division, marry or otherwise become family members, thereby causing a conflicting relationship, the respective employees shall be given written notice of such determination. Such notice shall advise that the employees have thirty (30) days from the date of the notice to remedy the conflict by:

    A. Resignation of County employment by one employee; or,

    B. Apply, qualify and accept a position in another section within the same department/division or to another department within the County where a conflict does not exist.

16. Upon notification that a conflict of interest exists, in violation of this policy, the Department Director/Agency Head in consultation with Human Resources shall take immediate action to ensure this violation does not continue. The affected employees may be reassigned or otherwise administratively relieved of their duties pending the initiation of appropriate administrative actions up to and including the scheduling of a pre-disciplinary hearing to determine continued employment.

17. It shall not be the responsibility or requirement of the County to transfer and/or find alternate employment for either of the employees. However the County may reassign an employee to another position, if available.

18. Should appointment or transfer not take place, within thirty (30) days, whether the same is occasioned by the non-availability of an employee

position to accomplish an appointment or transfer, or for any other reason whatsoever either:

A. The Department Director/Agency Head employing the family members shall make a recommendation to the Human Resources Department as to which family member shall be considered for dismissal.

B. The Department Director/Agency Head employing the family members shall request an extension of time from the Director of Human Resources. The request must include specific proposals on how the family members plan to achieve compliance with this policy. The Director of Human Resources will determine whether circumstances warrant an extension of time. If no extension is sought, or if no extension is granted, the procedure under 18.A. shall apply.

19. If no resolution has been achieved within the identified period, the County, in its sole discretion, will resolve this matter and initiate the appropriate administrative action to terminate employment of one of the family members.

20. Employees who wish to file a complaint to report a violation of this policy may do so to the attention of the Director of Human Resources. Retaliation against employees for reporting such violations will not be permitted. Employees must report retaliatory actions in writing directly to the Director of Human Resources as soon as possible after the incident occurs.

Approval Signature:

Department of Human Resources Director: George A. Williams
Date: 2/5/07

ATTACHMENT

Employment of Relatives Disclosure Statement

In order to prevent preferential treatment in the employment practices of the County, as well as to avoid creating situations when favoritism may be alleged to be associated with operational decisions within departments of the County, employees and prospective candidates for employment must disclose and report the employment relationships of their family members as described below.

Family members: Shall include the following relationships, whether established by blood (consanguinity), marriage (affinity), or other legal action: Father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, and half-sister.

TO BE COMPLETED BY EMPLOYEE OR PROSPECTIVE CANDIDATE*

Name _____ Employee No. _____

Department _____ Section _____

Job Title _____ Work Ph. No. _____

Mailing Address: _____ Hm. Ph. No. _____

Check All Appropriate Box's:

☐ Currently employed by Hillsborough County ☐ Prospective candidate

☐ I certify that I do not have a family member, as defined above, employed with Hillsborough County.

☐ I certify and disclose the following family members, as defined above, are currently employed with Hillsborough County.

Name	Department	Relationship

I HAVE READ AND UNDERSTAND THE PROVISIONS OF THE EMPLOYMENT OF RELATIVES POLICY, AND ACKNOWLEDGE THAT:

Failure to disclose familial relationships or potential conflicts is unethical, may be illegal, shall be a violation of this policy, and may result in disciplinary action up to and including termination.

It is the responsibility of each employee to keep the disclosure of all familial relationships current by completing and submitting the Employment of Relatives Disclosure Statement to his or her Department Director/Agency Head as soon as they are aware a family member has accepted a position with the County.

_____ _____
Signature Date

TO BE COMPLETED BY THE COUNTY ADMINISTRATOR, DEPUTY COUNTY ADMINISTRTOR, ASSISTANT COUNTY ADMINISTRATOR, OR DEPARTMENT DIRECTOR

Having reviewed the employee's position within the organization and the information disclosed in this Statement, it is opined that a conflict:

☐ **DOES** ☐ **DOES NOT** ☐ **MAY** exist

I recommend that this Statement be:

☐ **ACCEPTED** ☐ **REFERRED TO AD HOC COMMITTEE****

**Attach organizational chart and provide written comments below.

Agency Head Signature: _____ Date: _____

TO BE COMPLETED BY THE DEPARTMENT OF HUMAN RESOURCES

☐ No conflict is deemed to exist at this time by the reviewer.

☐ No conflict is deemed at this time by the Ad Hoc Committee.

☐ A conflict has been deemed to exist by the Ad Hoc Committee. Department Director will be advised to immediately initiate corrective action.

Reviewer's Signature: _____ Date: _____

COMMENTS:

Distribution: Department of Human Resources