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POLICY No.: 722	EFFECTIVE DATE:	01/31/10
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APPROVED BY: <i>J. Matran E. Kelly MS</i>	SUPERSEDES: DHS Policy No. 708	

PURPOSE: To ensure the integrity of employment decisions and of the overall operations of the Department, with the objective of preventing favoritism or preferential treatment arising out of the actual or perceived conflicts of interest (involving, among other things, direct supervision of relatives, personal relationships), fraud and other abuses.

POLICY: Immediate relatives shall not be assigned within the same budgetary/organizational unit. A workforce member may not supervise a relative, either as an immediate supervisor or as a higher-level supervisor, except as provided for in this policy.

An individual shall not be assigned to a position under the direct or indirect supervision or control of an immediate relative who has or may have a direct effect on the individual's assignment, progress, performance or advancement.

Managers and supervisors should also evaluate any potentially sensitive situations involving personal relationships within their area(s) of responsibility. Although it is unlawful to discriminate on the basis of marital status or personal relationships, managers/supervisors may reasonably regulate the work situation of individuals in relationships as defined in this policy to ensure fair and impartial treatment of employees relative to employment decisions, safety, security, and/or morale.

Each workforce member shall be responsible for reporting any relationships he/she may have that may be governed by the provisions of this policy, including personal relationships (as defined herein).

DEFINITIONS:

- Budgetary/organizational unit** means the divisions, programs and units within the DPH reporting structure as established by the Department and the Chief Executive Office.
- Immediate relative** includes any relationship formed by blood, genealogy, marriage, adoption, cohabitation, and domestic partnership as defined in California Family Code Section 297 et seq. and Los Angeles County Code Section 2.210, including but not limited to spouse (common laws or otherwise), child, mother, father, sister, brother,

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aunt, uncle, grandparent, niece, nephew, step-parent, step-child, step-sibling, cousin or legal guardian.

3. **Nepotism** is generally defined as the practice of a workforce member using personal influence or power to aid an immediate family member in an employment setting in securing employment, promotion or other benefits.
4. **Personal relationships** include, but are not limited to, those by virtue of blood, marriage, adoption, cohabitation, committed, or any such personal relationship which would give rise to a substantial appearance of impropriety or lack of reasonable objectiveness if the person were to be supervised as set forth in this policy.
5. **Workforce members** include employees, contract staff, affiliates, volunteers, trainees, students, and other persons whose conduct, in the performance of work for DPH, is under its direct control, whether or not they receive compensation from the County.

· GUIDELINES:

At the time a person is processed in for a position in DPH and on an annual basis thereafter, he/she must identify any person employed by DPH with whom they have a relationship as designated above.

The Director, DPH Human Resources shall establish procedures to ensure that employees are aware of the policy. Such procedures shall include, but not be limited to, the following:

1. A review of this policy with each incoming employee and documented in the personnel file.
2. Supervisors/managers will also review this policy with employees at the time of the employee's annual performance evaluation, and this review will be documented in the employee's personnel file.

The employee must immediately notify his/her supervisor if a situation arises, either as a result of a new-hire, transfer-in, promotion, reorganization and/or marriage, in which immediate relatives or a personal relationship exists (as defined above) are employed within the same budgetary organizational unit or are supervised by the same individual. The appropriate Program Manager may request one of the individuals to transfer to a similar item in a different budgetary organizational unit of the Department.

EXCEPTIONS:

In some instances, a situation may technically violate the Department's policy but not present a conflict of interest and therefore may warrant an exception.

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In evaluating a request for an exception to the policy, the overall objectives of the policy should be weighed against the reason for requesting an exception, on a case-by-case basis.

PROCEDURES FOR REQUESTING EXCEPTIONS:

If a manager/supervisor determines that a request for an exception is appropriate, a memo establishing the justification for the request, an organization chart explaining the functional responsibilities of the related employees or those work force members in which a personal relationship exists, and a statement of why it is believed problems will not result, shall be forwarded through the chain-of-command to the appropriate Program Manager.

All requests for exceptions must be submitted to the appropriate Executive Manager, and if approved by the Executive Manager, forwarded to the Department of Public Health Audit and Compliance Unit for review and final approval.