

**SAN BERNARDINO MUNICIPAL WATER DEPARTMENT**

*POLICIES & PROCEDURES MANUAL*

POLICY 33.060 - NEPOTISM

Date: April 24, 2018  
Revision No.: 1  
Supersedes: July 18, 2008  
First Adopted: July 18, 2008

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**PURPOSE :**

The employment of relatives may create conflict or the appearance of favoritism in certain situations. The purpose of this policy is to clearly define the San Bernardino Municipal Water Department's (Department) policy regarding the employment of relatives.

This Policy:

- Defines nepotism;
- Confirms the Department's commitment to prevent conflict due to the employment of relatives;
- Provides a Department procedure to resolve conflicts or potential conflicts arising from the employment of relatives.

**POLICY**

It is the policy of the Department not to discriminate in its employment and personnel actions with respect to its employees and applicants on the basis of marital or familial status. The Department's standards for employment decisions such as hiring, promoting, appointing, evaluating, awarding salary and terminating employees are based on qualifications for the position, ability, and performance. The Department permits the employment of qualified relatives of employees as long as such employment does not, in the opinion of the Department, create conflicts of interest. The Department retains the right to refuse to appoint a person to a position in the same division, section, or facility where his/her relationship to another employee has the potential to create adverse impact upon supervision, safety, morale, or involves a potential conflict of interest. The Division Director

shall have the authority and responsibility for determining if such a potential for adverse impact exists or does not exist.

Where the Division Director has made a determination that such adverse impact does not exist, this determination shall be reviewed by Water Department Human Resources and authorized by the Deputy General Manager prior to any appointment being made.

**SCOPE :**

This policy applies to all employees of the Department, including temporary and contracted employees), officers and agents.

**DEFINITION :**

Nepotism is defined as favoritism shown to a relative by employment or personnel actions on the basis of the relationship.

For the purposes of this policy, a relative includes individuals related by blood, marriage or adoption, including the following relationships: spouse, domestic partner, child, step-child, parent, step-parent, grandparent, grandchild, brother, sister, half-brother/sister, step-brother/sister, aunt, uncle, niece, nephew, parent-in-law, daughter/son in-law, brother/sister in-law, or any member of the employee's household. In addition, for the purposes of this policy, this definition also includes any employee that has a substantial financial interest with another employee (for example, an employee that is renting a house from another employee) as determined by Water Department Human Resources or the Deputy General Manager.

For the purposes of this policy, supervisor means any employee, regardless of job description or title, having authority in the interest of the employer to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, assign work schedules, adjust their grievances, or effectively recommend such actions if the exercise of authority in connection with the foregoing is not merely of a routine or clerical nature, but requires the use of independent judgment.

**PROCEDURE :**

The Division Director must notify the Deputy General Manager or Water Department Human Resources in the following situations: Prior to interviewing an applicant who has a relative, as defined in this policy, serving on the interview panel; prior to hiring an applicant who is related to a Department employee; prior to any personnel action when a Department employee transfers or promotes from one position to another position in the same division/section as a relative or when two (2) Department employees marry, become domestic partners, or cohabit. Water Department Human Resources or the Deputy General Manager shall have the authority and responsibility for determining if the potential for adverse impact exists or does not exist, and deciding whether to appoint the applicant or employee.

The employment of relatives in the same division or section or under the same supervisor is authorized only with the prior approval of Water Department Human Resources or the Deputy General Manager. In addition, relatives should not participate in roles which have the potential for influencing employment decisions.

To avoid possible conflicts of interest, any Division Director, supervisor, or participant in interview panels who is a relative of an employee or job applicant must not participate either formally or informally in decisions (including rendering advice on decisions) regarding personnel matters affecting the relative, including, but not limited to, decisions to hire, retain, promote, or determine salary. In cases where an employee would have primary responsibility for supervision, evaluation of, or assignment of duties to a relative, an appropriate individual must be designated by Water Department Human Resources or the Deputy General Manager to perform the function of such employee in decisions to hire, retain, promote, assign duties or set the salary of the individual related to the employee.

In circumstances that have the potential for conflict of interest as stated above, individuals have the responsibility to disclose that a conflict of interest may exist to the, Deputy General Manager, or Water Department Human Resources prior to any employment decisions.

When two existing employees marry, and a determination has been made that the potential for creating adverse impact as described above exists, the Division Director in conjunction with Water Department Human Resources and/or Deputy General Manager, shall make reasonable efforts to minimize problems of supervision, safety, or morale through reassignment of duties, relocation, or transfer.

Decisions regarding individual cases will be based upon the principles described in this policy.

Not every relationship that has the potential to create favoritism or the appearance of favoritism can be listed here. Whenever an employee enters into a relationship with another employee, he/she should ask the Division Director whether there is the potential for the appearance of nepotism and/or whether an audit or control function may be compromised.

Exceptions to this policy may be permitted on an infrequent basis upon approval of the General Manager to hire or promote a relative when, in the opinion of the Division Director, the hiring or promotion of the relative is of significant benefit to the operational effectiveness of the Department and/or customer service needs of the community and is in the best interest of the Department. Water Department Human Resources shall identify and implement methods to mitigate actual or perceived issues that may arise by the hiring or promotion of the individual.

Water Department Human Resources is responsible for enforcing this policy in conjunction with the Deputy General Manager and with assistance from the applicable Division Director.

Employees who violate this policy are subject to appropriate discipline ranging from a written reprimand to termination.

### **Policy Review**

Established:	<u>7/18/2008</u>
Revision Board Approved:	<u>5/8/2018</u>
No Changes:	<u>7/2019</u>
No Changes:	<u>7/2020</u>
No Changes:	<u>7/2021</u>