

SUBJECT: NEPOTISM

Purpose: The purpose of this procedure is to ensure elected officials have no undue influence in hiring and other employment actions within the City of Madison, assuring that hiring and employment actions are consistently conducted in a manner that enhances public confidence in government and to prevent situations that give the appearance of partiality, preferential treatment, improper influence, or a conflict of interest.

Definitions:

Close Personal Relationship: Relationship between persons who reside in the same household or have a romantic relationship, including but not limited to dating, engagement, or marriage.

Employment Action: Includes but is not limited to hiring, promotions, demotions, transfers, firing, disciplinary action of any kind, enforcement of the rules of conduct, and responsibility for evaluation and remediation.

Family Member: Includes the elected official's spouse or designated family partner, the elected official's spouse's or family partner's father, mother, children, foster children, brother, sister, step-parents, stepbrother, stepsister, grandparents, great grandparents, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepchildren or grandchildren. This definition also includes individuals standing in loco parentis.

In Loco Parentis: Relationship that involves the day-to-day responsibilities to care for, house or provide financial support to a child. A biological or legal relationship is not necessary. The continuing relationship between the parties after the child reaches the age of majority continues to constitute an in loco parentis relationship.

Nepotism or Nepotistic: Favoritism or bias shown by persons with oversight authority toward family members or someone with whom they have a close personal relationship.

Oversight Authority: When one elected official has direct influence on decisions concerning selection and hiring, including making recommendations for hiring, assignment or review of work, providing input on city employee performance or evaluations, transfer, promotion, grievance review, or other terms and conditions of employment.

Policy: Whenever an elected official has oversight authority for a family member or employee with whom s/he has a close personal relationship, it shall be the responsibility of all elected officials involved to report the relationship to SUGGESTION: City Attorney. Failure to comply with the reporting requirement of this procedure may be grounds for CENSURE?

Provided no direct supervisory or oversight authority exists between family members or elected officials with close personal relationships, nothing in this policy is intended to prevent family members or individuals in close personal relationships from holding elected office or being employed by the City of Madison, and no reporting requirement exists for such elected officials.

Upon report of a familial or close personal relationship where direct oversight authority exists:

1. Whenever possible, potentially nepotistic situations shall be prevented from occurring at the time of appointment, transfer, promotion, evaluation or grievance review. Nothing in this policy shall be interpreted to prevent anyone from seeking appointment, transfer or promotion through the standard hiring process, but such employment actions must be performed consistent with M.G.O. 3.35(7).

3. Elected official with oversight authority will not be permitted to take any employment action concerning an employee with whom they have a familial or close personal relationship, consistent with M.G.O. 3.35(7). Elected officials shall recuse themselves from voting on matters of employment, including hiring and compensation.

Authority: The Human Resources Director shall maintain and interpret this policy.