

SUBJECT: NEPOTISM

Purpose: The purpose of this procedure is to ensure that hiring, direct supervision, and other employment actions within the City of Madison 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 employee's spouse or designated family partner, the employee's, employee'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 those acting in the capacity of a supervisor or by persons with oversight authority toward family members or someone with whom they have a close personal relationship.

Supervisory or Oversight Authority: When one employee has direct influence on decisions concerning selection and hiring, including making recommendations for hiring, assignment or review of work, providing input on employee performance or evaluations, transfer, promotion, grievance review, or other terms and conditions of employment over another employee. This includes supervisors or leadworkers.

Policy: Whenever an employee has direct supervision or oversight authority for a family member or employee with whom s/he has a close personal relationship, it shall be the responsibility of all employees involved to report the relationship to their respective Department/Division Head. Where this policy applies directly to a Department/Division Head, such Department/Division Head shall

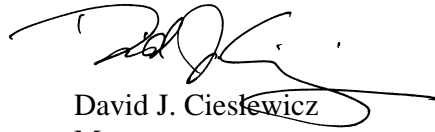
report the relationship to the Mayor. Failure to comply with the reporting requirement of this procedure may be grounds for discipline.

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

Upon report of a familial or close personal relationship where direct supervisory or 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).
2. Within 60 days of reporting, the Department/Division Head will make a good faith effort to find an alternative assignment for one of the two employees. Depending upon business need, this may include but is not limited to, restructuring duties, transfer, assignment to another shift, or change in supervision, in accordance with applicable Madison General Ordinances and the terms of the applicable collective bargaining agreement.
3. In the event no such alternate arrangement can be made, the employee with direct supervisory or 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). This policy shall not be construed by supervisory personnel to eliminate or reduce in any way, their responsibility to enforce the rules of conduct equally and fairly for their subordinates. When employment action is necessary but not taken due to a familial or personal relationship, the supervisor in question is responsible for informing the Department/Division Head to ensure the appropriate employment action is taken.

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


David J. Cieslewicz
Mayor

APM No. 2-41
December 18, 2009

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