

CITY OF FRISCO PERSONNEL POLICIES
SECTION 2
RECRUITMENT AND EMPLOYMENT

Section 2.4 NEPOTISM

Effective Date: 06/21/06

Approved By Ordinance No: 06-06-58

Revision Date:

2.4.1 STATEMENT OF PURPOSE:

The purpose of this policy is to define appropriate business relationships in the workplace that involve relatives either of blood, adoption, marriage or cohabitation.

2.4.2 APPLICABILITY:

This policy is applicable to all City employees.

2.4.3 DEFINITIONS:

Nepotism - The practice of favoring, providing benefits to, or giving any workplace preference to, relatives over other employees.

Relatives - Includes, but are not limited to, the first, second and third degree of consanguinity (blood), adoption; and the first and second degree of affinity (marriage). Common Law marriages as recognized by the State of Texas will also be included for purposes of this policy.

Consanguinity (Blood Relationships) and Adoptive Relationships

First Degree	Second Degree	Third Degree
Mother	Grandparent	Great Grandparent
Father	Grandson	Great Grandson
Daughter	Granddaughter	Great Granddaughter
Son	Uncle	Great Niece
Brother	Aunt	Great Nephew
Sister	First Cousin	Second Cousin
	Niece	
	Nephew	

Affinity (Marriage Relationship)

First Degree	Second Degree
Wife	Brother-in-Law
Husband	Sister-in-Law
Son-in-Law	Spouse's
Daughter-in-Law	Grandparent
Mother-in-Law	Grandchild
Father-in-Law	Step-Grandparent
Stepmother	Stepsister
Stepfather	Stepbrother
Stepson	Cousin-in-Law

Stepdaughter	
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Cohabitants – Persons who live together in a sexual relationship but are not married, nor are declared to be married.

Roommates - Supervisor and Subordinate who share the same living quarters.

2.4.4 **GENERAL PROVISIONS:**

- A. **Supervision:** No City employee shall be regularly supervised directly by a relative, cohabitant or roommate. City employees will not be transferred or promoted into positions that would cause them to be in a direct supervisor/subordinate relationship with a relative, cohabitant or roommate.
- B. **Applicants:** All external applicants for employment must, at the time of application and hire, disclose the name(s) of any relative(s) cohabitant(s) or roommate(s) serving as elected City officials or currently working for the City in any capacity. Nondisclosure of this information by an applicant shall be deemed as falsification of his/ her application and shall result in non-consideration for a position or termination if the person has already been placed on the payroll. In the case of collusion, the current employee who is a relative, cohabitant, or roommate may be subject to disciplinary action, up to and including, termination.
- C. **Employees:** When a relationship is created which is not allowed by this policy, the employees are in violation of this policy. The affected employees must inform their Department Director of the relationship that violates this policy within five business days of the creation of the prohibited relationship. Failure to disclose this policy violation to the affected Department Director(s) shall result in disciplinary action, up to and including, termination.
- D. **Promotions/Transfers:** All employees who are being considered for promotion or transfer to another position (whether in the same department or to a position in another department) must, at the time of the application for promotion or transfer, disclose the name(s) of any relative(s), cohabitant(s) or roommate(s) serving as elected City officials or currently working for the City in any capacity. Non-disclosure may result in disciplinary action, up to and including, termination.
- E. **Conflict of Interest:** Relatives, cohabitants or roommates may work in the same department, unless otherwise specified in SPECIAL CONSIDERATIONS. Under no circumstance may relatives, cohabitants or roommates permanently supervise one another. Further, no relatives, cohabitants or roommates shall be placed in positions allowing for financial signature approval of any purchasing or payroll transactions for one another. In the case where business demands require indirect or temporary supervision of relatives, cohabitants or roommates, the Department Director of the employee(s) is responsible for establishing a process of auxiliary review for the affected employee(s) to include review and signature authority over timesheets, purchase orders and any other action where a conflict could arise from the reporting relationship of relatives, cohabitants or roommates.

The hiring and promotion of relatives, cohabitants or roommates shall not be allowed, even in different departments, if that action creates a conflict, or the appearance of a conflict of interest for the City as determined by the City Manager. When any relationship through blood, adoption, marriage or cohabitation presents a conflict of interest for the City, the City reserves the right to take appropriate action to eliminate the conflict, which may result in disciplinary action being taken up to, and including termination.

F. Recommendation for Hiring: A current City of Frisco employee may not be involved in the hiring or selection of a relative, cohabitant or roommate.

G. Disciplinary Actions: Supervisors may not participate in disciplinary decisions or appeals involving his/her relative, cohabitant(s) or roommate(s).

2.4.5 PROCEDURES:

A. Employees Who Become Relatives, Cohabitants or Roommates: When a relationship is created which is not allowed by this policy or a departmental rule, one of the employees must resign his/her position. The decision as to which employee shall vacate his/her position shall, initially, be left up to the affected employees. In all such situations, the following procedure shall apply:

1. The affected employees shall disclose their potential violation of this policy to their Department Director. The Department Director will notify Human Resources of the potential policy violation.
2. If Human Resources determines there is a policy violation, Human Resources will notify the effected employee(s) of the policy violation.
3. Upon receipt of notification of the policy violation, the affected employees shall be given (15) fifteen calendar days from the date of the policy violation occurrence to make a decision as to which affected employee shall vacate his/her position.
4. At the conclusion of 15-day post notification period, the affected employees shall be given an additional fifteen (15) calendar days in which to vacate one of the positions. If the employees fail to make a decision as to whom should vacate his/her position within the fifteen (15) calendar day notification period, the Department Director(s) shall notify the employee who has the least seniority with the City, based upon the most recent hire date, that he/she must vacate his/her position.

2.4.6 SPECIAL CONSIDERATIONS:

A. Elected Officials and Executives: Article XIV, Section 14.01 of the Home Rule Charter of the City of Frisco states:

“ NO PERSON RELATED WITHIN THE SECOND DEGREE BY AFFINITY OR WITHIN THE THIRD DEGREE BY CONSANGUINITY TO THE MAYOR OR ANY COUNCIL MEMBER OR THE CITY MANAGER SHALL BE EMPLOYED BY OR CONTRACTED WITH FOR THE CITY. THIS SHALL

NOT APPLY TO THE FOLLOWING:

- (1) ANY PERSON EMPLOYED BY THE CITY PRIOR TO THE PERSON RELATED IN THE ABOVE DEGREE FILING TO RUN FOR ELECTIVE OFFICE OR BEING NOMINATED FOR AN APPOINTMENT, OR
- (2) ANY PERSON WHO IS A SEASONAL EMPLOYEE OR INTERN OF THE CITY.”

B. Designated Departments: There are some departments/positions within the City that, because of the nature of work conducted with all other positions in the City, it is inappropriate for persons in these department/positions to be related to anyone employed by the City in any capacity, by blood, marriage or cohabitation or roommate relationship. Within the City of Frisco, these departments, divisions and positions include:

- (1) City Manager’s Office
- (2) City Secretary’s Office
- (3) Human Resources Department
- (4) Administrative Services Department to include the Accounting, Purchasing and Budget Divisions.

Because of the nature of work conducted, relatives, cohabitants or roommates shall not be allowed to be hired, promoted, or transferred into the Police Department after the effective date of this policy.

The City of Frisco reserves the right to designate additional departments/positions to those listed herein as necessary to prevent adverse impact on the work environment. If relatives, cohabitants, or roommates are mistakenly awarded these positions, the opportunity for alternate placement described earlier in this practice would apply.

C. Department Directors: No relative, cohabitant or roommate of a Department Director may be employed by the City of Frisco after the effective date of this policy.

D. Grandfather Clause: Employees hired **before** the effective date of this policy, who are found to be in violation of this policy, shall be allowed to continue working in their current positions. No person shall be hired, transferred or promoted **after** the effective date of this policy whose continued employment with the City would create a violation of this policy.

E. Preferential Hiring: Preferential-hiring consideration will be provided for those employees who must terminate under this policy. The City will endeavor to work with employees while they apply and/or interview for jobs. The employee(s) shall be required to provide advance notice to his/her supervisor prior to the date of such interview(s) or appointment(s) and to work with the supervisor on scheduling such absences. Preferential hiring consideration shall no longer be given to an employee who refuses a bona fide job offer.