



# Nepotism and Conflict of Interest Policy

**Scope: CITYWIDE**

## **Policy Contact**

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## **Regulatory References**

None

## **Supersedes**

This policy supersedes any statements in any City of Sacramento policy, procedure, or memo relating to nepotism in any way. This policy applies to all bargaining units, except that neither its terms nor impacts may be considered for employees in the Fire Department Unit represented by Sacramento Area Firefighters, Local 522.

## **Effective**

February 15, 2017

## **POLICY STATEMENT**

The policy prevents improper supervisor-subordinate relationships by prohibiting employees from supervising others with whom they have a familial, cohabitant, or amorous relationship. It is the intent of the policy to avoid conflicts of interest, as well as situations that may impair objective judgment or bias.

There are special risks in any familial, cohabitant or amorous relationships between individuals, particularly when the individuals occupy positions which have supervisory-subordinate relationships. This includes direct reporting relationships through the chain of command where the supervisor/manager is in a higher level position within the same chain of command as the employee.

In addition, such relationships may affect others in the work environment. Relationships in which one party is related to or has an amorous relationship with another employee may provide grounds for complaint by third parties when that relationship gives undue access or advantage, restricts opportunities, or creates a perception of these problems.

## POLICY

### 1. Prohibition on using influence in hiring and changing terms and conditions of employment

#### a. Supervision

1. An employee shall not directly through the chain of command supervise or act in a lead capacity to a person with whom they have a familial, cohabitant, or amorous relationship.
2. An employee shall not recommend advancement, contribute to a performance rating or make a decision on the hiring, assignment or placement of a person with whom they have a familial, cohabitant, or amorous relationship.
3. An employee shall not be assigned to, or contribute in, the investigation of a complaint and/or disciplinary action pertaining in any way to a person with whom they have a familial, cohabitant, or amorous relationship.
4. Exceptions to the supervision rule will exist during an emergency to prevent stoppage of public business, for employees working at Camp Sacramento, emergency action taken by the Police or Fire Departments, or emergency action taken by other City departments in response to an urgent event or immediate crisis.
5. Special circumstances to be considered by the City Manager.

### 2. Notification and Disclosure of Relationship

- a. New Job Actions: All applicants must disclose known familial, amorous, and cohabitant relationships to or with employees on their employment application or transfer request.

Employees represented by the Sacramento Police Officers Association (SPOA) requesting a transfer within their current department need only disclose their relationships that may potentially create a conflict in violation of this policy if the employee's transfer request is approved.

- b. Current Employee One-Time Disclosure: All current employees who have relationships preexisting this policy shall disclose to their appointing authority or designee within sixty (60) days their own familial, amorous, and cohabitant relationships to or with any other city employee in their assigned department. SPOA members only need to disclose conflicts in violation of this policy.
- c. Developing Relationships After Implementation of Policy: All employees who develop relationships after the date of and in conflict of this policy, shall disclose the conflict within six (6) months from the relationship's inception to their appointing authority or designee, or in the case of an appointing authority, to the City Manager.

Where there is a supervisory-subordinate relationship the person in the higher level position will bear the primary burden of accountability, and must ensure that they do not exercise any supervisory or evaluative function (or does not remain in a position where they can influence the supervisory or evaluative function) related to the other person. Employees represented by the SPOA who have a conflict due to a familial, cohabitant, or amorous relationship and are the subordinate employee in the conflict do not have a duty to disclose the relationship or conflict.

### **3. Inquiry**

- a. Upon discovery that a familial, amorous, or cohabitant relationship exists between two (2) employees, the employees' appointing authority and the Director of Human Resources, or the Charter Officer shall be responsible for determining if there is a violation of this policy.
- b. If there is no violation of the policy, no action is necessary.
- c. If there has been a violation of this policy, the City will make a good faith attempt to identify alternate employment arrangements where such arrangements are possible without violating the appropriate bargaining unit labor contracts. The City shall consult with the affected individuals prior to transferring an employee.
- d. If an alternative placement cannot be identified, the appointing authority will determine whether separation of employment from City service is appropriate on a case-by-case basis in consultation with the Director of Human Resources.
- e. The decision as to which employee may be subject to an alternative employment action shall be left solely to the City's discretion.

### **4. Failure to Disclose**

The failure of any individual to disclose their known familial, amorous, or cohabitant relationship with another City employee shall be a violation of this policy. In the case of a supervisory-subordinate relationship, the primary responsibility to make the notifications and the responsibility to ensure that alternative supervisory arrangements are put into place rests with the person in the higher level position.

## **DEFINITIONS**

### **Amorous Relationship**

An amorous relationship is any relationship where there is a consensual romantic, sexual or dating relationship, including, but not limited to, marriage, domestic partnership or a civil union relationship.

### **Applicant**

A person applying for or accepting a job with the City in any capacity including, but not limited to, new hire, rehire, transfer, promotion, and demotion.

### **Cohabitant Relationship**

A cohabitant relationship is any relationship where an individual shares a residence with a City employee.

### **Domestic Partnership**

Individuals who are living together and sharing a common domestic life together.

### **Relative (Related, Familial)**

A connection between individuals by blood, marriage, adoption, domestic partnership, including individuals who reside in the same household, and including:

- Spouse
- Parent
- Child
- Sibling
- Uncles and Aunts
- Nephews and Nieces
- First Cousins
- Grandparents and Great Grandparents
- Grandchildren and Great Grandchildren

### **Supervisor-Subordinate Relationship**

Any workplace relationship, regardless of job description or title, in which one employee has the authority to directly through the chain of command control, direct or supervise the duties and responsibilities of the other.