

**NEPOTISM**  
**(Employment & Supervision of Relatives)**  
Revised November 2018

SECTION: 6

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A. POLICY

Tooele City desires to avoid the appearance of favoritism that may result from employment relationships with relatives and to minimize the potential for disruption or limitations in the workplace that may result from employment relationships with relatives. It is the policy of Tooele City that no City employee may do any of the following:

1. Participate in the process of hiring or reassigning a relative (including serving on interview panels or other applicant evaluation boards while the relative is still being considered);
2. Hire or cause to be hired a relative (signing final paperwork for administrative purposes when not otherwise involved in the hiring or reassigning of a relative does not constitute a violation of this provision);
3. Reassign or cause to be reassigned a relative (signing final paperwork for administrative purposes when not otherwise involved in the reassigning of a relative does not constitute a violation of this provision);
4. Accept employment or reassignment to a regular/appointed status position, when doing so would place him/her under the supervision of a relative;
5. Hear or investigate a grievance or an appeal from a relative; or,
6. Supervise a relative, unless one of the following exceptions apply:
  - a. Two employees in a supervisory relationship, or an employee who is employed in a position before a relative assumed a supervisory position over the relative, may on a temporary, transitional basis, retain employment in their existing positions until such time as Tooele City is able to reasonably transfer one of the employees on a lateral basis to another position outside the supervision of the relative. Tooele City retains the right to decide which employee is to be involuntarily transferred on a lateral basis, taking into consideration the needs of the organization. During the transitional period, measures should be put into place by the department head to ensure that the relative does not evaluate the employee's performance, recommend changes in pay, or make other employment decisions that could give rise to a perception of favoritism resulting from nepotism. Such actions may include having another manager review and approve such actions.
  - b. The new or reassigned employee is the only person available, qualified, or eligible for the position;
  - c. The new or reassigned employee is compensated from funds designated for vocational training;

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- d. The new or reassigned employee is employed for a period of 12 weeks or less per 12-month look back period;
- e. The new or reassigned employee will be working in a contingent position (i.e. temporary, seasonal, cyclical, or on-call) with no expectation for continued employment or appeal rights, and there is an intermediate supervisor (as opposed to a lead) between the relatives;
- f. The new or reassigned individual is a volunteer as defined by this Manual;
- g. The Mayor has determined that the new or reassigned employee is the only employee available or qualified to supervise the relative; or,
- h. The new or reassigned employee is employed by Tooele City before a relative is elected as Mayor or a member of the City Council. Elected officials have the duty to minimize the appearance of favoritism resulting from nepotism whenever possible.

NOTE: If one of the above exceptions applies, but the individual is a relative of an elected official, consent must be given by both the Mayor and majority vote from the city council.

**B. TWO EMPLOYEES MARRY – ONE IS THE SUPERVISOR**

When two existing employees within a supervisory chain of command marry, Tooele City will consider moving one of the employees to a position outside the supervisory chain of command by either lateral transfer or demotion. When such efforts are not practical for Tooele City, are not in the best interest of the organization as determined by the Mayor in consultation with the department head, or are not accepted by the employee subject to the transfer or demotion, the City will then notify both employees that one of the employees must separate from City employment within 60 days. In the event neither employee chooses to separate from City employment, the employee with the least seniority will be separated from City employment. For purposes of this Section, seniority will be calculated first by the credited service time as a benefit eligible employee and then take into consideration credited seasonal, then credited temporary time.

**C. REQUIREMENT TO DISCLOSE**

Both applicants for positions and any individual involved in any capacity with a selection process involving a relative are required to make a complete written disclosure of such relation at time of application or prior to becoming involved in any selection process. Failure to make the disclosure is a violation of this nepotism policy and may result in disciplinary action, up to and including dismissal from employment, as well as the applicant for employment no longer being considered for employment.

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D. **EMPLOYMENT OF RELATIVES WHEN NO SUPERVISORY RELATION EXISTS**  
Tooele City reserves the right to refuse to hire, promote, transfer, or otherwise reassign a person to a position, shift, or other condition of employment in the same department, division, or work area, wherein his/her relationship to a relative has the potential to adversely impact the workplace.

E. **CITY'S RIGHT TO TRANSFER**  
Notwithstanding any of the above, Tooele City reserves the ultimate right to involuntarily transfer an employee on a lateral basis, to a position of similar duties at such time as the relationship between two or more relatives has the potential for creating adverse impact on the workplace (such as, but not limited to, supervision, safety, security, or morale), or involves a potential conflict of interest, and such a position becomes available.

F. **DEFINITIONS**

1. Relative –

For the purposes of this policy, an employee's relative is defined as (blood relationship, including half-siblings) or as affinity (marriage, step-relations, or adoption): Spouse, Parent, Sibling, Child, Grandparent, Grandchild, Uncle, Aunt, Nephew, Niece, First Cousin or any of the following In-Laws: Mother, Father, Son, Daughter.

Relative does not include: grandparent-in-law, uncle-in-law, aunt-in-law, nephew-in-law, niece-in-law, cousin-in-law, second cousins, or other similar distant relationships.

Relative also includes cohabitants, such as a husband and wife by common-law marriage, domestic partners (a person with whom the employee's life is interdependent and who shares a common residence), any person claimed as a dependent for income tax purposes for the most recent two tax years, and individuals living in the residence of the employee for a cumulative period of six months or longer over a two year look back period. Relative also includes non-married cohabitants, roommates, foster children, etc.

A legal divorce dissolves affinity relationships but not cohabitant relationships.

2. Supervise, Supervision, and Supervisor - an employment relationship in which an employee's relative is in the employee's "chain of command" or in the direct line of managerial oversight; or, the elected Mayor or member of the City Council is a relative of an employee or applicant for employment.

3. Chain of Command - the vertical employment relationship in which an employee is accountable to a direct supervisor, and that supervisor is accountable to another supervisor, and so on. Any person in this line is in the chain of command.