

PERSONNEL: GENERAL

NEPOTISM

I. PURPOSE

TO ESTABLISH GUIDELINES FOR THE EMPLOYMENT, EVALUATION, PROMOTION, AND SELECTION OF FAMILY MEMBERS OF AN EMPLOYEE, CONTRACTOR, CONSULTANT, OR MEMBER OF THE BOARD OF EDUCATION OF BALTIMORE COUNTY (BOARD) IN ORDER TO AVOID A CONFLICT OF INTEREST, THE APPEARANCE OF A CONFLICT OF INTEREST, OR FAVORITISM.

II. DEFINITIONS

THE FOLLOWING DEFINITIONS SHALL APPLY TO THIS RULE:

- A. *DIRECT CHAIN OF SUPERVISION* - INCLUDES ANY POSITION FOR WHICH THE SUPERVISING EMPLOYEE IS RESPONSIBLE FOR MAKING EMPLOYMENT-RELATED DECISIONS, INCLUDING HIRING, DISCIPLINE, EVALUATION, PROMOTION, DISMISSAL OR CONFERRING OF ANY BENEFIT OF EMPLOYMENT.
- B. *CHAIN OF COMMAND* – SERIES OF MANAGEMENT POSITIONS IN ORDER OF AUTHORITY.
- C. *CONFLICT OF INTEREST* – A SITUATION IN WHICH A PERSON HAS A PRIVATE OR PERSONAL INTEREST SUFFICIENT TO APPEAR TO INFLUENCE THE OBJECTIVE EXERCISE OF HIS OR HER OFFICIAL DUTIES.
- D. *FAMILY MEMBER* – ANY INDIVIDUAL WITHIN THE SECOND DEGREE OF CONSANGUINITY OR WITHIN THE FIRST DEGREE OF AFFINITY AS SHOWN IN POLICY 4010, FORM A.
- E. *NEPOTISM* – FAVORITISM SHOWN TO A FAMILY MEMBER WITH REGARD TO HIRING, RETENTION, PROMOTION, OR OTHER EMPLOYMENT-RELATED ISSUES.
- F. *PRINCIPAL OR SUPERVISOR* – ANY EMPLOYEE, REGARDLESS OF JOB DESCRIPTION OR TITLE, HAVING AUTHORITY TO HIRE,

TRANSFER, SUSPEND, EVALUATE, PROMOTE, DISCHARGE, ASSIGN, OR DISCIPLINE OTHER EMPLOYEES, INCLUDING THE RESPONSIBILITY OF DIRECTING EMPLOYEES AND/OR RESOLVING EMPLOYEE PROBLEMS THROUGH THE GRIEVANCE OR SIMILAR PROCESS.

- G. *PROHIBITED RELATIONSHIP* – A PROFESSIONAL WORKING RELATIONSHIP OF AN EMPLOYEE WITH A FAMILY MEMBER WHERE ONE EMPLOYEE HAS PRIMARY OR SECONDARY SUPERVISION OVER A FAMILY MEMBER, OR IN ANY OTHER WAY HAS INFLUENCE OVER THE HIRE, TRANSFER, SUSPENSION, LAYOFF, PROMOTION, DISCHARGE, ASSIGNMENT, EVALUATION, OR DISCIPLINE OF A FAMILY MEMBER.
- H. *PRIMARY SUPERVISION* – THE DIRECT SUPERVISION OF ONE EMPLOYEE OVER ANOTHER.
- I. *RECUSE* – REFERS TO THE ACT OF ABSTAINING FROM PARTICIPATION IN AN OFFICIAL ACT.
- J. *SECONDARY SUPERVISION* – INDIRECT SUPERVISION OF ONE EMPLOYEE OVER ANOTHER, USUALLY WITHIN A CHAIN OF COMMAND.

### III. GUIDELINES

- A. THIS RULE SHALL APPLY TO ALL FULL-TIME, PART-TIME, AND TEMPORARY EMPLOYEES.
- B. AN EMPLOYEE MAY NOT BE IN A POSITION THAT DIRECTLY SUPERVISES, EVALUATES, OR DISCIPLINES A FAMILY MEMBER. FAMILY MEMBERS MAY NOT BE HIRED, ASSIGNED, TRANSFERRED, OR PROMOTED IF SUCH ACTION WOULD VIOLATE THIS PROHIBITION.
- C. ALL APPLICANTS SHALL COMPLETE THE ACKNOWLEDGEMENT OF NEPOTISM FORM (HEREINAFTER, “NEPOTISM FORM”) PRIOR TO THEIR HIRE. (RULE 4010, FORM A)
- D. EMPLOYEES SHALL NOTIFY THE DEPARTMENT OF HUMAN RESOURCES BY SUBMITTING A COMPLETED NEPOTISM FORM WITHIN 30 DAYS OF BECOMING AWARE THAT THEY HAVE BECOME THE FAMILY MEMBER OF ANOTHER BCPS EMPLOYEE

OR A MEMBER OF THE BOARD.

- E. SHOULD TWO EMPLOYEES ENTER INTO A RELATIONSHIP THAT WOULD CREATE A VIOLATION OF THIS RULE, ONE OF THE EMPLOYEES WILL BE TRANSFERRED TO A POSITION IN THE SAME OR SIMILAR JOB-CLASSIFICATION, IF AVAILABLE.
- F. WHEN APPROVED BY THE DEPARTMENT OF HUMAN RESOURCES, INDIVIDUALS WHO ARE FAMILY MEMBERS ARE PERMITTED TO WORK IN THE SAME SCHOOL OR OFFICE, PROVIDED NO DIRECT REPORTING OR SUPERVISOR-TO-SUBORDINATE RELATIONSHIP EXISTS. NO EMPLOYEE SHALL BE PERMITTED TO WORK WITHIN THE CHAIN OF COMMAND WHEN ONE FAMILY MEMBER'S WORK RESPONSIBILITIES, SALARY, HOURS, CAREER PROGREE, BENEFITS, OR OTHER TERMS AND CONDITIONS OF EMPLOYMENT COULD BE INFLUENCED BY THE OTHER FAMILY MEMBER.

#### IV. COMPLIANCE

- A. THE DEPARTMENT OF HUMAN RESOURCES SHALL ENSURE THAT NEW EMPLOYEES ARE INFORMED OF THIS RULE AT THE TIME OF HIRE.
- B. THE DEPARTMENT OF HUMAN RESOURCES SHALL CONSIDER THE PROVISIONS OF THIS RULE WHEN RECOMMENDING ALL ASSIGNMENTS, TRANSFERS, AND PROMOTIONS.
- C. THE PRINCIPAL/SUPERVISOR SHALL DETERMINE IF A CONFLICT OF INTEREST OR THE APPEARANCE OF A CONFLICT OF INTEREST EXISTS IN THE WORKPLACE; THIS DETERMINATION SHALL BE REVIEWED BY THE DEPARTMENT OF HUMAN RESOURCES PRIOR TO ANY APPOINTMENT BEING FINALIZED.
  - 1. WHEN THE PRINCIPAL/SUPERVISOR DETERMINES THAT A RELATIONSHIP EXISTS BETWEEN TWO MEMBERS OF THE SCHOOL/OFFICE, THE PRINCIPAL/SUPERVISOR MUST SUBMIT A MEMO TO THE DEPARTMENT OF HUMAN RESOURCES.
  - 2. THE MEMO SHALL INCLUDE THE FOLLOWING: (1) NOTICE THAT A RELATIONSHIP EXISTS BETWEEN TWO MEMBERS OF THE SCHOOL/OFFICE; (2) THE NAMES AND POSITIONS

OF THE EMPLOYEES, AND (3) A STATEMENT REGARDING WHETHER THE RELATIONSHIP CREATES A CONFLICT OF INTEREST OR APPEARANCE OF A CONFLICT OF INTEREST EXISTS.

3. THE DEPARTMENT OF HUMAN RESOURCES SHALL REVIEW THE MEMO AND MAKE A FINAL DECISION CONCERNING THE APPOINTMENT.

C. TO PREVENT AN ACTUAL CONFLICT OF INTEREST OR THE APPEARANCE OF A CONFLICT OF INTEREST, EMPLOYEES IN THE DEPARTMENT OF HUMAN RESOURCES, DEPARTMENT OF FISCAL SERVICES, AND THE OFFICE OF INTERNAL AUDIT SHALL RECUSE THEMSELVES FROM DECISIONS THAT IMPACT THE WAGES, HOURS, BENEFITS, CAREER PROGRESS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT OF THEIR FAMILY MEMBERS.

D. ANY EMPLOYEE TRANSFER MADE AS A RESULT OF POLICY 4010 AND THIS RULE SHALL BE MADE IN ACCORDANCE WITH BOARD POLICIES, SUPERINTENDENT'S RULES, SCHOOL SYSTEM PROCEDURES, AND APPLICABLE MASTER AGREEMENTS.

V. EXCEPTIONS

ANY EXCEPTION TO THE GUIDELINES OUTLINED IN THIS RULE MUST BE APPROVED BY THE SUPERINTENDENT, EXCEPT WHERE THE SUPERINTENDENT IS THE EMPLOYEE IN A PROHIBITED RELATIONSHIP AS OUTLINED HEREIN. IN SUCH CASES, ANY EXCEPTION MUST BE APPROVED BY THE BOARD.

VI. VIOLATION

EMPLOYEES SHALL BE RESPONSIBLE FOR MAKING ALL REPORTS REQUIRED BY THIS RULE. ANY ALLEGED VIOLATION OF THIS RULE SHALL BE INVESTIGATED BY THE DEPARTMENT OF HUMAN RESOURCES. IF IT IS DETERMINED THAT AN EMPLOYEE HAS VIOLATED THIS RULE, THE EMPLOYEE SHALL BE SUBJECT TO DISCIPLINARY ACTION, UP TO AND INCLUDING TERMINATION.

RELATED POLICIES: BOARD OF EDUCATION POLICY 8363, *CONFLICT OF INTEREST – PROHIBITED CONDUCT*

RULE  
APPROVED: \_\_\_\_\_

SUPERINTENDENT OF SCHOOLS