

Davis School District Policy and Procedures

Subject: 2HR-208 Prohibiting Employment of Relatives
Index: Human Resources – *Employee Legal Rights and Responsibilities*
Revised: October 2, 2018

1. PURPOSE AND PHILOSOPHY

The purpose of this policy is to provide guidance in implementing Utah Code Ann. Title 52, Chapter 3 *Prohibiting Employment of Relatives*. Additionally, this policy defines the Board of Education of Davis School District's (Board) extension of these prohibitions to include those persons with whom there is a close, personal relationship and any companies where such individuals, relatives, or household members are employed or have any ownership.

2. POLICY

The Davis School District (District) shall comply with the provisions of Utah Code Ann. §52-3-1 or any successor statute regarding the selection, appointment, and supervision of relatives and household members. This policy also extends these prohibitions to include those persons with whom there is a close personal relationship, and any companies where such individuals, relatives, or household members are employed or have any ownership. Appointees of the District shall be competitively selected on the basis of qualifications.

2.1. HIRING AND EMPLOYMENT

- 2.1.1. No Board member, District employee, or member of a hiring committee established by District representatives may employ, appoint, or vote for or recommend the appointment of a relative, household member in or to any position or employment, when the salary, wages, pay, or compensation of the appointee will be paid from public funds and the appointee will be directly supervised by a relative or household member.
- 2.1.2. This prohibition extends to those persons with whom there is a close personal relationship, and any companies where such individuals, relatives, or household members are employed or have any ownership.

2.2. SUPERVISION OF RELATIVES OR HOUSEHOLD MEMBERS

- 2.2.1. No Board member or District employee may directly supervise or evaluate an appointee who is a relative or household member when the salary, wages, pay, or compensation of the relative or household member will be paid from public funds.
- 2.2.2. Hiring, initial assignment, or transfer decisions that result in the supervision of relatives or household members are prohibited.
- 2.2.3. This provision extends to those persons with whom the Board member or District employee has a close, personal relationship, and any companies where such individuals, relatives or household members are employed or have any ownership.

2.3. PROHIBITED EMPLOYMENT SITUATIONS

Examples of prohibited employment situations include, but are not limited to the following circumstances:

- 2.3.1. A relative or household member of a principal or assistant principal working in the same school as the principal or assistant principal.
- 2.3.2. A relative or household member of a department or program director working in the same department or program.
- 2.3.3. A relative or household member of a head coach working as an assistant coach

under the head coach.

2.3.4. A relative or household member of a curriculum department head in a secondary school where the two individuals would be teaching in the same department.

2.3.5. A relative or household member of a school head custodian working as a custodian in the same school.

2.4. This provision extends to those persons with whom the Board member or District employee has a close, personal relationship, and any companies where such individuals, relatives, or household members are employed or have any ownership.

3. EXCEPTION

In the event of a lack of candidates, a need for specialized skills, or unique circumstances, the restriction against appointment, hiring, or assignment of an appointee to a position directly supervised by a relative or household member may be waived by a review committee comprised of the Superintendent and/or appropriate administrator(s) or director(s) in the following circumstances:

3.1. the appointee will be employed for a period of 12 weeks or less;

3.2. the appointee is a volunteer as defined by this policy;

3.3. the appointee is the only or best person available, qualified, or eligible for the position; or

3.4. the employee who will serve in a supervisory capacity is the only person available or best qualified to perform supervisory functions for the appointee.

This provision extends to those persons with whom the Board member of District employee has a close personal relationship, and any companies where such individuals, relatives, or household members are employed or have any ownership.

4. CHANGE IN RELATIONSHIP

If a relationship changes between a supervisor and an employee who he or she supervises or evaluates, to include a relationship as defined in this policy, immediate steps must be taken to modify reporting responsibility. Employees in this situation shall contact the Human Resources Department at once in order to insure corrective measures are taken to maintain the integrity of this policy. Corrective measures may include reassigning performance evaluations or reporting responsibilities.

DEFINITIONS

“**Appointee**” means an employee whose salary, wages, pay, or compensation is paid from public funds or a volunteer receiving reimbursement for actual expenses or any other type of stipend or nominal consideration paid from public funds regardless of the source of the public funds, i.e. grants, donations, fundraisers, tax revenue, etc.

“**Close personal relationships**” means relationships which reasonable persons would agree have the potential to create a real or perceived conflict of interest comparable to those associated with relatives or household members.

“**Conflict of interest**” means a clash between public interest and the private interest of the individual concerned. A conflict of interest arises when a District employee’s personal or financial interest conflicts with his or her official responsibility. The Superintendent or his/her designee shall determine if a conflict of interest exists.

“**Household member**” means a person who resides in the same residence as the public officer.

“**Public officer**” means a person who holds a position that is compensated by public funds.

“**Relative**” means any employee's father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law, grandparent or grandchild or any relationship corresponding in-law, step, adoptive relative, or anyone residing on a permanent basis in the individual’s home.

“**Supervision**” means the situation that occurs when a District employee oversees, evaluates, or has responsibility for the work of another District employee.

“**Volunteer**” means a person who donates service without pay or other compensation except expenses actually and reasonably incurred as approved by the supervising agency.

REFERENCES

[Utah Code Ann. Title 52, Chapter 3](#) – Prohibiting Employment of Relatives

FORMS

[Prohibiting Employment of Relatives](#)

DOCUMENT HISTORY

Adopted: February 19, 2013 – Removed from 2HR-200 revised to reflect State Law, created this stand-alone policy.

Revised: May 20, 2015 – Updated consistent with changes in State Law. Added phrase “or best” to 3.3.

Revised: October 2, 2018 - Updated consistent with changes in state law. Added section on reporting change of relationship to HR.