

P-3: Administrative Procedures

Nepotism Prohibited



REFERENCES

[Board Policy P-3](#)

DEFINITIONS

Candidate: An employee whose salary, wages, pay, or compensation is paid from public funds.

Directly Supervise: For the purposes of these procedures, "directly supervise" means supervision by anyone *within the chain of command*, particularly in regards to overseeing day-to-day activities. "Directly supervised" is not limited to supervision by an immediate supervisor.

Hiring Official: A person who holds a position that is compensated by public funds.

Household member: A person who resides in the same residence as the hiring official.

Relative: For the purposes of these procedures, "relative" will be defined as 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, daughter-in-law, grandparent, or grandchild.

PROCEDURES FOR IMPLEMENTATION

I. Prohibition on Hiring a Relative

- A. A hiring official may not employ, appoint, or vote for or recommend the appointment of a candidate when the candidate will be directly supervised by a relative or household member. Exceptions to that prohibition are as follows:
 - 1. following a fair and equitable recruitment process, the superintendent determines that the candidate is the only or best person available, qualified, or eligible for the position;
 - 2. the candidate was or is eligible or qualified to be employed by the district as a result of the candidate's compliance with civil service or merit system laws or regulations;
 - 3. the candidate will be appointed to a volunteer position; or
 - 4. the candidate will be employed for a period of 12 weeks or less.
- B. A hiring official may not directly supervise a candidate who is a relative or household member of the hiring official, except as follows:
 - 1. the candidate was appointed or employed before the hiring official assumed his/her supervisory position;
 - 2. the candidate was or is eligible or qualified to be employed by the district as a result of the candidate's compliance with civil service or merit system laws or regulations;
 - 3. following a fair and equitable recruitment process, the candidate is the only person available, qualified, or eligible for the position;
 - 4. the superintendent determines that the hiring official is the only individual available or best qualified to perform supervisory functions for the candidate;
 - 5. the candidate will be appointed to a volunteer position; or
 - 6. the candidate will be employed for a period of 12 weeks or less.
- C. When a hiring official supervises a relative or household member under Section I.B.:
 - 1. the hiring official shall make a complete written disclosure of the relationship in accordance with the Utah Public Officers' and Employees' Ethics Act.
 - a. The written disclosure is a public document and will be available for public inspection; and
 - 2. the hiring official may not evaluate the job performance of or recommend salary increases for the relative or household member.
- D. A candidate may not accept or retain employment if accepting or retaining employment will place the candidate under the direct supervision of a relative or household member, unless:
 - 1. the relative or household member was appointed or employed before the candidate assumed the candidate's position;
 - 2. the candidate was or is eligible or qualified to be employed by the district as a result of the candidate's compliance with civil service or merit system laws or regulations;
 - 3. following a fair and equitable recruitment process, the candidate is the only person available, qualified, or eligible for the position;
 - 4. the superintendent determines that the candidate's relative or household member is the only individual available or qualified to supervise the candidate;
 - 5. the candidate will be appointed to a volunteer position; or

6. the candidate will be employed for a period of 12 weeks or less.

II. Request for Exceptions

Written requests for exceptions outlined in Section I must be submitted to the superintendent or designee (typically the executive director of human resource services) for review and approval prior to any offer of employment.

III. Employment Based on an Exception

Candidates hired under any of the exceptions listed above may not have their employment continued beyond the specified employment dates.

IV. Prohibition on Reciprocal Hiring Arrangements

No district employee will circumvent the administrative procedures or corresponding board policy by making reciprocal arrangements to hire a relative of an employee in a different department or school.

No district employee or student shall be subjected to discrimination in employment or any district program or activity on the basis of age, color, disability, gender, gender identity, genetic information, national origin, pregnancy, race, religion, sex, sexual orientation, or veteran status. The district is committed to providing equal access and equal opportunity in its programs, services and employment including its policies, complaint processes, program accessibility, district facility use, accommodations and other Equal Employment Opportunity matters. The district also provides equal access to district facilities for all youth groups listed in Title 36 of the United States Code, including scouting groups. The following person has been designated to handle inquiries and complaints regarding unlawful discrimination, harassment, and retaliation: Tina Hatch, Compliance and Investigations/Title IX Coordinator, 440 East 100 South, Salt Lake City, Utah 84111, (801) 578-8388. You may also contact the Office for Civil Rights, Denver, CO, (303) 844-5695.