



POLICY 3.60

4-D I recommend that the Board adopt the proposed revised Policy 3.60, entitled “Nepotism.”

[Contact: Darron Davis, PX 48953 or Pat Kaupe, PX 48043]

Adoption

CONSENT ITEM

- The Board approved development of this revised Policy at the development reading on March 4, 2009.
- This proposed revised policy provides has been revised to include greater guidelines that may trigger nepotism problems, so an employees may be able to determine their compliance with the policy. Thus, the policy has been revised to:
 - Incorporate the provisions of Sec. 1012.23, FS, which prohibits a Board member from employing or appointing a relative to work under his or her direct supervision.
 - Require an employee to immediately notify Human Resources if the employee is hired into or transferred to a work unit where the employee will be supervised by a relative, or would supervise a relative. See Section 4b.
 - Provide for the transfer of an employee, if two employees enter into a relationship or living arrangement that would create a violation of the policy. See Section 4f.
 - Apply to full-time, part-time and temporary employees. See Section 4g.
 - Require the policy be considered when assignments, transfers and promotions are applicable. See Section 4h.
- The policy further establishes responsibilities for certain unit and compliance requirements by providing:
 - An applicant/employee is responsible and accountable for providing accurate and complete information regarding relatives to the District. See Section 5b.
 - The Division of Human Resources is responsible for informing all new employees of the policy, for implementing the provisions of the policy, reviewing disclosure information, with the relevant work unit, prior to making assignments, transfers or promotions. See Section 5a, c and f.

- Administrators and supervisors are responsible for abiding by the policy and reporting any inconsistencies to senior management; and requiring senior management to ensure compliance and reporting to Human Resources. See Section 5d.
- This revision also updates statutory references.

POLICY 3.60

NEPOTISM

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1. **Purpose.**

It is the intent of this policy to avoid any situation where there can arise the appearance of conflict of interest either on the part of a School Board member or an employee of the School District. The purpose of this policy is to provide guidelines to prevent and address conflict of interest situations of employees related to employment, promotion, supervision, and evaluation of immediate family members.

2. **Policy Statement.**

It is the policy of the School Board of Palm Beach County, Florida, (the "School Board") that an applicant for any position within the School District of Palm Beach County, (the "School District"), and any employee of the School District seeking promotion or transfer shall be considered solely on the basis of respective qualifications for such a position, regardless of whether the applicant or employee is or is not related by blood or marriage to any member of the School Board or to any employee of the School District, except as otherwise provided herein.

3. **Definitions.**

- a. The terms "related" or "relative" shall refer to the following relationships: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister or any persons who reside at the same residence as the Board member or employee.
- b. The term "directly supervise" shall relate to those situations in which one person at the School District is directly responsible to another.
- c. The term "indirectly supervise" shall relate to those situations in which a person does not directly supervise an employee but is in the direct chain of command between the immediate supervisor of the employee and the Superintendent. The prohibition of indirect supervision shall not apply to positions requiring instructional certification.
- d. The term "recommendation for employment, promotion, advancement or dismissal" shall apply to those situations in which an individual has responsibility for making advisory recommendations to the Superintendent; such term shall not apply to employee nominations or dismissal

36 recommendations of the Superintendent of the School District.

37 e. The term "evaluation" shall apply to those situations in which an individual is
38 assigned responsibility for preparing the annual evaluation of an employee or
39 is requested to participate in the formulation of such evaluation.

40 4. **Standards.**

41 a. No employee shall participate in any personnel action, including
42 recommendation for appointment, employment, promotion or advancement or
43 evaluation concerning an applicant or employee to whom he is related.

44 b. No employee may directly or indirectly supervise or be directly or indirectly
45 supervised by an employee to whom that person is related. If a person is hired
46 into or transferred into a position for which s/he will directly supervise or be
47 directly supervised by a relative, s/he shall immediately notify the Division of
48 Human Resources.

49 c. Whenever one relative is promoted or transferred to a position that would
50 result in a violation of this policy, the conflict shall be resolved by transferring
51 one of the related employees to another position. The employee who is
52 transferred shall be designated by the Superintendent and must meet all
53 established qualifications for the position to which transferred. In the case of
54 instructional personnel, the employee must be certified in the area of assigned
55 instructional duties.

56 d. This policy shall not, except as provided herein, be interpreted to prohibit the
57 employment of relatives of School Board members or relatives of any
58 employee of the School District. Neither shall the policy be interpreted to apply
59 to students in officially sponsored educational work-study programs.

60 e. This policy shall not be interpreted to prohibit the employment of related
61 employees in the same cost center provided that neither is directly or indirectly
62 supervised by the other.

63 f. Should two employees enter into a relationship or living arrangement that
64 would create a violation of this policy, one of the employees will be transferred
65 to a position in the same job classification if available.

66 g. This policy applies to full-time, part-time and temporary employees.

67 h. This policy will be considered when making all assignments, transfers and
68 promotions.

69 i. In the event of a conflict between a provision of this policy and the terms of
70 any applicable collective bargaining agreement, the latter shall control.

71 ~~Employees holding positions in violation of this policy as of the effective date of this~~
72 ~~policy, shall be transferred or reassigned to another position pursuant to subsection~~
73 ~~(4) above as soon as practical or feasible, but no later than two (2) years from the~~
74 ~~date this policy is adopted. All provisions of this policy, however, shall be in force~~
75 ~~upon the adoption of this policy with respect to future promotions, transfers or other~~
76 ~~personnel action which would create an additional conflict within the School~~
77 ~~District.~~

78 **5. Responsibility and Compliance.**

79 a. The Division of Human Resources is responsible for ensuring that all new
80 employees are informed of this policy at the time of hire.

81 b. The applicant/employee is responsible and accountable for providing accurate
82 and complete information regarding the identity of his/her relatives on
83 disclosure forms/statements required for employment, assignment, transfer or
84 promotion.

85 c. The Division of Human Resources will be responsible for implementing the
86 provisions of this policy based upon the disclosure information furnished by
87 applicants and employees.

88 d. Administrators/supervisors will be responsible for abiding by this policy,
89 ensuring that employees within their jurisdiction are aware of the provisions of
90 this policy, and reporting any inconsistencies to senior management.

91 e. Senior management will be held accountable for abiding by this policy,
92 ensuring that all employees within his/her jurisdiction are in compliance with
93 this policy, and reporting any inconsistencies to his/her subordinate and
94 Human Resources.

95 f. The Division of Human Resources, with the relevant work unit, is responsible
96 for reviewing disclosure information submitted by the applicant/employee and
97 considering the provisions of this policy prior to making assignments, transfers
98 or promotions.

99 STATUTORY AUTHORITY: Fla. Stat. §§ 112.3135, 1001.41, 1001.42, 1001.43,
100 1001.49, 1001.51, 1012.22, 1012.23 120.52, 120.54, 231.001, 230.22(2)

101 LAWS IMPLEMENTED: Fla. Stat. §§ 112.3135, 1001.43, 1012.22, 1012.27 230.23(5)

102 HISTORY: 11/29/76; 6/16/82; 5/3/95 ___/___ 2009

Legal Signoff:

The Legal Department has reviewed proposed Policy 3.60 and finds it legally sufficient for development by the Board.

Attorney

Date