



## **POLICY 3.60**

**5-D** I recommend that the Board approve development of the proposed **revised** Policy 3.60, entitled “Nepotism.”

[Contact: Elizabeth McBride, PX 47673; Yevola Falana PX58312.]

### **Development**

### **CONSENT ITEM**

- This revision updates the definition of “related” and “relative” to include registered domestic partners. See section 3a.
- Additionally, the policy is revised to expand the prohibition of indirect supervision shall not apply to positions requiring instructional certification, but also to transportation employees who are not mechanics. This request is being made by Transportation due to the distances between the Transportation Department’s facilities. See section 3c.

## 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, including a registered domestic partner as provided for in Policy 3.78.
- 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 and transportation employees who are not mechanics.
- d. The term "recommendation for employment, promotion, advancement or

35 dismissal" shall apply to those situations in which an individual has  
36 responsibility for making advisory recommendations to the Superintendent;  
37 such term shall not apply to employee nominations or dismissal  
38 recommendations of the Superintendent of the School District.

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

42 **4. Standards.**

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

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

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

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

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

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

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

69 h. This policy will be considered when making all assignments, transfers and  
70 promotions.

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

73 **5. Responsibility and Compliance.**

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

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

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

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

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

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

94 STATUTORY AUTHORITY: Fla. Stat. §§ 112.3135, 1001.41, 1001.42, 1001.43,  
95 1001.49, 1001.51, 1012.22, 1012.23

96 LAWS IMPLEMENTED: Fla. Stat. §§ 112.3135, 1001.43, 1012.22, 1012.27

97 HISTORY: 11/29/76; 6/16/82; 5/3/95; 6/3/2009; \_\_\_/\_\_\_/2011

Legal Signoff:

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

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Attorney

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Date