



POLICY 3.60

5-A I recommend the Board approve development of the proposed **revised** Policy 3.60, entitled "Nepotism."

[Contact: Elizabeth McBride, PX 47673; Mark Mitchell, PX 48911.]

Development

CONSENT ITEM

- This revision updates the definition of "related" and "relative" to include registered domestic partners. See section 3a.
- Other proposed revisions to the policy include the following:
 - Elimination of the term "indirectly supervise", under definitions and other relevant provisions of the policy. See Sec. 3 and 4b &e.
 - Clarification of the policy's application to all full-time, part-time or temporary employees' appointments, employments, promotions, demotions, job assignments, overtime/payroll authorizations or job performance evaluations. See Sec. 3b and 4g.
 - Clarification of the policy's application to Board members. See Sec. 4a &b.
 - Requirements for the reporting of violations within 3 business days. See Sec. 4b &f and 5d.
 - Clarification that transfers must comply with any applicable collective bargaining agreements. See 4c & f.

POLICY 3.60

NEPOTISM

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 maintain an equitable work environment and to prevent and address conflict of interest situations of employees related to employment, promotion, supervision, job assignment, and evaluation of related employees ~~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 a School Board member or employee ~~one person at the School District~~ is directly responsible ~~for~~ for ~~to~~ another full-time, part-time or temporary employee's appointment, employment, promotion, demotion, job assignments, overtime/payroll authorization or job performance evaluation.

~~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~~

36 ~~apply to positions requiring instructional certification.~~

37 c. ~~e~~ The term "recommendation for employment, promotion, advancement or
38 dismissal" shall apply to those situations in which an individual has
39 responsibility for making advisory recommendations to the Superintendent;
40 such term shall not apply to employee nominations or dismissal
41 recommendations of the Superintendent of the School District.

42 d. ~~e~~ The term "evaluation" shall apply to those situations in which an individual
43 is assigned responsibility for preparing the annual evaluation of an employee
44 or is requested to participate in the formulation of such evaluation.

45 4. Standards

46 a. No School Board member or employee shall participate in any personnel
47 action, including recommendation for appointment, employment, promotion or
48 advancement or evaluation concerning an applicant or employee to whom she
49 or he is related.

50 b. No School Board member or employee may directly ~~or indirectly~~ supervise or
51 be directly ~~or indirectly~~ supervised by an employee to whom that person is
52 related. If a person is hired into or transferred into a position for which s/he will
53 directly supervise or be directly supervised by a relative, s/he shall
54 immediately notify the Division of Human Resources in writing within three
55 business days of the occurrence.

56 c. Whenever one relative is promoted or transferred to a position that would
57 result in a violation of this policy, the conflict shall be resolved by transferring
58 one of the related employees to another comparable position. The employee
59 who is transferred shall be designated by the Superintendent and must meet
60 all established certifications and qualifications for the position to which
61 transferred. The transfer of the employee shall be in compliance with any
62 applicable collective bargaining agreement, if any. ~~In the case of instructional~~
63 ~~personnel, the employee must be certified in the area of assigned instructional~~
64 ~~duties.~~

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

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

72 f. Should two employees enter into a relationship or living arrangement that

73 would create a violation of this policy, one of the employees will be transferred
74 to a position in the same job classification if available. The employee
75 supervisor must notify the Division of Human Resources in writing within three
76 business days. The Superintendent or designee shall select the employee to
77 be transferred in compliance with the applicable collective bargaining
78 agreement, if any. The employee must meet all established certifications and
79 qualifications for the position to which transferred.

- 80 g. This policy applies to full-time, part-time and temporary employees.
- 81 h. This policy will be considered when making all hirings, assignments, transfers,
82 demotions, and promotions.
- 83 i. In the event of a conflict between a provision of this policy and the terms of
84 any applicable collective bargaining agreement, the latter shall control.

85 5. Responsibility and Compliance

- 86 a. The Division of Human Resources is responsible for ensuring that all new
87 employees are informed of this policy at the time of hire.
- 88 b. The applicant/employee is responsible and accountable for providing accurate
89 and complete information regarding the identity of his/her relatives on
90 disclosure forms/statements required for employment, assignment, transfer or
91 promotion.
- 92 c. The Division of Human Resources will be responsible for implementing the
93 provisions of this policy based upon the disclosure information furnished by
94 applicants and employees.
- 95 d. Administrators/supervisors will be responsible for abiding by this policy,
96 ensuring that employees within their jurisdiction are aware of the provisions of
97 this policy, and reporting any inconsistencies or conflicts within three business
98 days in writing to senior management and the Division of Human Resources.
99 Failure to provide notification as provided herein is grounds for disciplinary
100 action, up to and including dismissal.
- 101 ~~e. Senior management will be held accountable for abiding by this policy,~~
102 ~~ensuring that all employees within his/her jurisdiction are in compliance~~
103 ~~with this policy, and reporting any inconsistencies to his/her subordinate~~
104 ~~and Human Resources.~~
- 105 e. ¶ The Division of Human Resources, with the relevant work unit, is responsible
106 for reviewing disclosure information submitted by the applicant/employee and
107 considering the provisions of this policy prior to making assignments, transfers
108 or promotions.

109 STATUTORY AUTHORITY: Fla. Stat. §§ ~~112.3135~~, 1001.41, 1001.42, 1001.43,
110 1001.49, 1001.51, 1012.22, 1001.43, 1012.23
111 LAWS IMPLEMENTED: Fla. Stat. §§ 112.312, 112.3143, 112.3135, ~~1001.43~~, 1012.22,
112 1012.23
113 HISTORY: 11/29/76; 6/16/82; 5/3/95; 6/3/2009; ___/___/2012

Legal Signoff:

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

Attorney

Date