



## **PERSONNEL POLICY**

### **SUBJECT: EMPLOYMENT OF RELATIVES**

DATE: January 1, 2017

Number: 311-16

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#### **I. Statement of the Policy**

Fulton County discourages nepotism, but does not prohibit the hiring of qualified applicants who are relatives of current employees. Fulton County also encourages collegial relationships, but discourages relationships that could disrupt the work environment or lead to an actual or perceived conflict of interest.

#### **II. Establishment and Implementation of Procedure**

The County Manager, in consultation with the Chief Human Resources Officer and the County Attorney, is authorized to establish and modify, as needed, a procedure for implementing this policy.



## PERSONNEL PROCEDURE

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#### **I. Offer of employment to relative**

Prior to extending an offer of employment to the relative of any current employee, an Appointing Authority must submit a written request for approval to the Chief Human Resources Officer. All requests for approval of the appointment of a relative must be accompanied by documentation that demonstrates that the relative is the person best qualified to perform the work required by the position. If the Chief Human Resources Officer disapproves of a request to appoint a relative, then the requesting Appointing Authority may appeal to the County Manager, whose decision will be final. Appointing Authorities are responsible for ensuring that this procedure is followed when hiring the relative of a current employee. Appointing Authorities who extend job offers to relatives of current employees without the approval of either the Chief Human Resources Officer or County Manager may be subject to disciplinary action by the County Manager.

#### **II. Employment of relatives within the same department**

Notwithstanding Section (1) above, no individual shall be hired, promoted or permitted to transfer into any position where the Appointing Authority, department head or someone who will be in the employee's direct chain of command is a relative. Pre-existing employment relationships falling within the purview of this paragraph will be permitted to continue; however, that exception does not apply to reemployment, promotions, demotions, reassignments, and lateral transfers that occur after the effective date of this Policy. Moreover, relatives shall not work for the same direct supervisor without the prior approval of the Chief Human Resources Officer. An employee must notify the Department of Human Resources Management in writing whenever a promotion, demotion, reassignment or lateral transfer of an employee would result in a violation of this paragraph.

#### **III. Restrictions on supervisory relationships between relatives**

No individual shall be hired, reinstated, reemployed, transferred, promoted, demoted or assigned to any position that is under the direct or indirect supervision or control of a relative. "Supervision" means the authority to direct, control, and/or participate, either directly or through chain of command, in decisions concerning or affecting the terms and conditions of an individual's employment. "Terms and conditions of employment" include but are not limited to appointment, salary, hours, shifts, transfers, assignments, leave approval, working conditions, performance evaluations, promotions, training, classification, retention, evaluation, demotion, discipline and all other job-related opportunities and privileges. An employee must notify the

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Appointing Authority in writing whenever a promotion, demotion, reassignment or transfer of the employee would result in a violation of this paragraph.

**IV. No influence by relatives**

No employee shall initiate, participate in, or exert any influence on any personnel action which may directly affect the employment status of a relative. No employee shall select, advocate or recommend (either orally or in writing) a relative for appointment, employment, promotion, or advancement to any position with Fulton County. Referring a relative for consideration for appointment, employment, promotion, or advancement to a position (including forwarding or distributing resumes or applications on behalf of a relative) is also prohibited.

**V. Disclosure required**

All applicants for employment with Fulton County are required to disclose the names of any relatives currently employed by Fulton County on the application for employment. Should an Appointing Authority extend an offer of employment to a relative of a current employee, it is the responsibility of the applicant to fully disclose the relationship to the Appointing Authority before the offer of employment is accepted. The intentional failure to disclose a relative relationship constitutes a violation of this Policy and may be grounds for rescission of the offer of employment, non-selection and/or discipline, up to and including termination.

**VI. Changes in status**

It is the responsibility of every employee to keep his or her Appointing Authority informed of any changes relevant to the Employment of Relatives Policy and this procedure. Failure to timely report such changes may result in disciplinary action up to and including termination. Employees within the same department who become related through marriage shall notify their Appointing Authority in writing within five business days.

The Appointing Authority, in consultation with the Department of Human Resources Management, shall determine whether a supervisory relationship exists between the employees and, if appropriate, make such changes as are necessary to prevent and/or remedy any violations of this Policy. Both employees will be permitted to retain their positions within the department provided that one is not under the direct or indirect supervision of the other. If one employee is under direct or indirect supervision of the other, the Appointing Authority shall consult with the Department of Human Resources Management to identify alternative arrangements for reporting, evaluation, assessment, and supervision.

Such arrangements may include, but are not limited to, the transfer of supervisory authority, restructuring of job duties or reporting relationships, assignment to a new shift, or reassignment of one of the employees to another division within the department. When alternative arrangements within the department cannot be made or are not practical for business reasons, the matter shall be referred to the Chief Human Resources Officer who shall make every reasonable effort to facilitate the transfer of one of the employees to a comparable vacant position in another department. If a position in the same job classification is not available, the Chief Human Resources Officer may offer the employee a transfer to a vacant position in another classification for which the employee is qualified.

In the absence of an agreement which is satisfactory to all affected parties, the employee with the lower pay grade, or, if the employees are of the same grade, the employee with the least amount of active creditable service shall be transferred. All transfers are subject to approval by the Appointing Authority of the receiving department, who may, at his or her discretion, require the employee to accept a lower pay grade. These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

discretion, choose to interview the employee referred for transfer. Any action that results in movement to a position assigned to a lower salary grade, that results in a reduction in salary or compensation shall not be considered disciplinary in nature and shall not be subject to appeal to the Personnel Board. Should the employee subject to transfer decline the offer to transfer to an available position, the Appointing Authority, in consultation with the Chief Human Resources Officer, is authorized to take appropriate action to resolve the violation of this Policy.

## **VII. Definitions**

For purposes of this Personnel Regulation, "relative" is defined as an individual's father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, common-law spouse, domestic partner, grandchild, grandparent, father-in-law, mother-in law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, foster parent, foster brother, foster sister, fiancé, fiancée or legal guardian. The term "relative," as used in this policy, also includes relationships between individuals who are in a consensual romantic, sexual, dating or other intimate relationship, regardless of whether they are cohabitating.

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