**SECTION: EMPLOYEE CONDUCT AND ETHICS**

**POLICY:** Employment of Relatives/Nepotism **EFFECTIVE DATE:** insert date adopted

**STATEMENT OF PURPOSE:**

Texas nepotism laws primarily restrict public officials from appointing close relatives to positions compensated with public funds. These laws aim to prevent favoritism in hiring and promotion within government entities. The restrictions apply to relatives by blood or marriage, with specific degrees of relationship outlined in the law.

The City is committed to a policy of employment and advancement based on qualifications and merit and does not discriminate in favor of or in opposition to the employment of relatives.

In the case where the hiring decision does not lie with a relative as defined below Aside from City officials, the City may hire relatives of persons currently employed only if: a) candidates for employment will not be working directly for or supervising a relative, and b) candidates for employment will not occupy a position in the same line of authority in which employees can initiate or participate in decisions involving a direct benefit to the relative. Such decisions include hiring, retention, transfer, promotion, wages and leave requests.

**DEFINITIONS:**

1. City Official. Any public official who is the final hiring autgority or is a member of the government body that has final hiring authority. (See Texas government Code 573).
2. Relatives within the 1st degree by consanguinity include a public official’s mother, father, sons and daughters.
3. Relatives related within the 2nd degree by consanguinity include a public official’s brothers, sisters, grandmothers, grandfathers, grandsons and granddaughters.
4. Relatives related within the 3rd degree by consanguinity include a public official’s great-grandfathers, great-grandmothers, aunts, uncles, nephews, nieces great-grandsons and great-granddaughters.
5. A public official’s adopted child is considered to be the child of the public official under the nepotism laws
6. A public official’s relationships by affinity (marriage) are also covered by the statutory limitations with the 1st, 2nd and 3rd degree by consanguinity applying as above for in-laws.
7. All other hiring managers have the same restrictions as public officials when:
	1. A Manager or supervisor and an employee within the manager or supervisor's chain of command or sphere of influence.
	2. A City employee and an employee of a contractor, subcontractor, or vendor when the City employee has the capacity to directly influence the business relationship.
8. Continuous Employment Exception: If a relative was employed in a position for a certain period before the public official's appointment or election, they may be exempt from the nepotism restrictions.
	1. Appointed Officials: 30 days of continuous employment prior to appointment.
	2. Elected Officials (other than general election): 6 months of continuous employment prior to election.
	3. Elected Officials (general election): 1 year of continuous employment prior to election.

**APPLICABILITY:**

This policy applies to all current employees and candidates for employment.

**PROCEDURES:**

1. Conflict of Interest: If a relative is permitted to remain employed under the continuous employment exception, the related public official must abstain from participating in any deliberation or voting on issues specifically related to that employee, unless the issue affects an entire class or category of employees.
2. Penalties: Violations of nepotism laws can result in official misconduct and a misdemeanor punishable by a fine.
3. For hiring managers not considered public officials, a signed statement certifying that the candidate for employment or other employment action is not a relative as defined above must completed. Failure to submit the signed statement to the Human Resources Directo r (HR) will result in the delay of the job offer until the statement is submitted.
4. The hiring manager is responsible for ensuring policy compliance. Department directors are responsible for monitoring changes in employee reporting relations after initial hire to ensure compliance with this policy. Employees are responsible for immediately reporting any changes to their supervisor.
5. If any employee, after employment or change in employment, enters into one of the above relationships, one of the affected individuals must seek a transfer or a change in the reporting relationship. Such changes must be approved by the Human Resources Director. If a decision cannot be made by the affected employees within 14 days of reporting, reassignment will be made on direction of the department director and the Human Resources Director.