

# DIABLO WATER DISTRICT

## REGULATION NO. 122

### ANTI-NEPOTISM

#### Section I. Purpose:

- A. It is the policy of the District to seek the best possible candidates through appropriate search procedures. The District seeks to eliminate or limit even the appearance of impropriety where possible. As such, the District has adopted the following policy regarding application or hiring of employee relatives.

#### Section II. Definition of Terms.

For the purpose of the District's policies, the following definitions shall apply:

- A. Relative - For purposes of this Section, "relative" shall mean a spouse, domestic partner, parent, parent-in-law, step-parent, legal guardian, sibling, step-sibling, sibling-in-law, child, step-child, child-in-law, legal ward, niece, nephew, grandchild, or grandparent.
- B. Current Employee - For purposes of this Section, "current employee" means a person who is presently a District employee or member of the District's Board of Directors. Current employee shall mean all types of District employees, including but not limited to regular employees, part-time employees, temporary employees, student interns, rehired annuitants, or contract workers.
- C. Applicant - For purposes of this Section, an "applicant" is a person who applies for any type of employment position at the District and is not a current employee.

### Section III. Nepotism - Rules for Applicants

- A. Disclosure - Each applicant is required to disclose the identity of any relative who is a current employee. An applicant's failure to disclose a relative who is a current employee may result in the rejection of the applicant or future disciplinary action against the applicant after employment, up to and including termination.
- B. Prohibited Hiring
1. Relatives of current employees shall not be hired into positions in which one relative may supervise, directly or indirectly, any other relative. One or more of the following roles, undertaken on a regular, acting, overtime, or other basis shall constitute direct or indirect supervision:
    - (a) Occupying a position in an employee's direct line of supervision; or
    - (b) Functional supervision, such as a lead worker, crew leader, or shift supervisor; or
    - (c) Participating in personnel actions including, but not limited to, appointment, transfer, promotion, demotion, layoff, suspension, termination, assignments, approval of salary increases, evaluations, and disciplinary actions.
  2. Relatives of current employees shall not be hired into positions in which one relative may work in a capacity which would allow a current employee to evaluate or control the terms, conditions or performance circumstances of employment of a relative.

3. Relatives of current employees shall not be hired into any position in which the employment of such relative has the potential for adversely impacting the supervision, safety, security, or morale of other employees.

C. Nepotism – Determination

1. The District's Administrative Analyst shall review each applicant who is a relative of a current employee to determine whether hiring the applicant would result in any of the prohibited situations.
2. If, in the opinion of the Administrative Analyst finds that any of those situations exists, then the applicant may be rejected, or may be considered for employment in an open position, if any, that does not present the above situations.

Section IV. Nepotism - Rules for Current Employees

- A. Current employees shall not participate, directly or indirectly, in the recruitment or selection process for a position for which a relative is an applicant.
- B. Current employees having hiring powers or authority to recommend hires shall not, either directly or indirectly, seek to influence or assist in the hiring of any relative to any position within the District.
- C. Current employees shall not participate or interfere in, or otherwise attempt to influence, any personnel actions affecting his or her relative including, but not limited to, transfer, promotion, demotion, layoff, suspension, termination, assignments, approval of salary increases, evaluations, and/or disciplinary actions.

Section V. Nepotism - Prohibited Job Assignments

- A. Relatives of current employees shall not be promoted, assigned, or transferred into positions in which one relative may supervise, directly or indirectly, any other relative. One or more of the following roles, undertaken on a regular, acting, overtime, or other basis shall constitute direct or indirect supervision:
1. Occupying a position in an employee's direct line of supervision; or
  2. Functional supervision, such as a lead worker, crew leader, or shift supervisor;  
or
  3. Participating in personnel actions including, but not limited to, appointment, transfer, promotion, demotion, layoff, suspension, termination, assignments, approval of salary increases, evaluations, and/or disciplinary actions; or
  4. Participating in decision-making or management that would allow evaluation or control of the terms, conditions, or performance of the employment.
- B. Relatives of current employees shall not be promoted, assigned or transferred into any position where the employment of such relative has the potential for adversely impacting the supervision, safety, security, or morale of other employees.

Section II. Nepotism - Change of Status.

- A. If a relationship (marriage, domestic partner or persons involved in a romantic relationship) arises after employees are hired that falls within the restrictions of this Procedure, the affected employees will be required to cooperate with the Department Head and/or the General Manager to determine the best course of action for immediately resolving the potential incompatibility, inappropriate

conduct, or appearance of favoritism such a relationship creates.

- B. Such action could include a transfer, reassignment and/or other possible options.
- C. The District will take into account the preferences of the affected employees; and if voluntary compliance by the affected employees is not achieved in a timely manner, only then will the District implement non-disciplinary reassignment, transfer, demotion or other action, including but not limited to termination of employment.

Section III. Nepotism - Appeal of Decisions.

- A. Current employees affected by the application of these rules may appeal the action to the Administrative Analyst within ten (10) days of the action.
- B. The Administrative Analyst shall hear the current employee's concerns and issue a written decision within twenty (20) days of receipt of the appeal.
- C. A current employee who is dissatisfied with the Administrative Analyst's decision may appeal to the General Manager within five (5) days of notification of the Administrative Analyst's determination.
- D. The General Manager shall hear the current employee's concerns and issue a written decision within twenty (20) days of receipt of the appeal.
- E. The decision of the General Manager is final.