



General Rules

Policy No. 14

Approved: 12/09/98; Revised: 04/17/10

City Manager's Approval

Linda Conway

THE CITY OF POMONA

ADMINISTRATIVE POLICIES AND PROCEDURES

EMPLOYMENT OF RELATIVES (NEPOTISM)

I. PURPOSE

To prevent potential for adversely impacting the safety, security, morale or efficiency of supervision of other employees, or in which there may be a potential conflict of interest.

II. APPLICABILITY

This policy applies to all full-time and hourly/part-time City employees, except for volunteers and police sworn employees represented by the Pomona Police Officers' Association (PPOA). PPOA employees shall be subject to applicable Police Department policies (Lexipol) pertaining to Nepotism.

III. POLICY

- A. It is the policy of the City of Pomona not to discriminate in its employment and personnel actions with respect to its employees and applicants on the basis of marital or familial status. However, the City retains the right to refuse to appoint or promote to a position in the same department, division, or facility wherein his/her relationship to another employee by blood, marriage, consensual personal relationship, domestic partnership or residence in the same household that has the potential for creating an adverse impact on supervision, safety, security or morale, or involves a potential conflict of interest or where there is a supervisor-subordinate relationship.
- B. If a City employee marries, enters into a consensual personal relationship, a domestic partnership, or resides in the same household with another individual employed by the City within the same department, both employees shall be allowed to retain their respective positions provided that a potential adverse impact on supervision, safety, security, morale, or a potential conflict of interest is not created by the relationship. During the period of employment, no supervisory relationship shall exist between the two employees.
- C. When two existing employees marry or enter into a relationship as described in

EMPLOYMENT OF RELATIVES (NEPOTISM) (Continued):

Section III.A, and a determination has been made that the potential for creating adverse impact as described in Section III.A above exists, the Department Director in conjunction with the Human Resources/Risk Management Director, or designee, shall attempt to transfer one of the employees to a similar classified position in another department. Although the wishes of the involved parties as to which employee is to be transferred will be given consideration by the City, the controlling factor in determining which employee is to be transferred shall be the positive operation and efficiency of the City. If any such transfer results in a reduction in salary or compensation, the same shall not be considered disciplinary in nature and shall not be the subject of any form of administrative appeal. If the City is unable to transfer one of the employees, then the Department Director will notify the two employees that one of the employees must separate from City employment within 30 days. The choice of who shall separate from City service will be the employees' decision. In the event that the two employees do not agree with respect to which one shall resign, the City will decide based on the needs of the City. Employees hired prior to 1998 are subject to discipline pursuant to other City policies if the relationship to another employee creates "cause" for discipline.

- D. The Department Director shall have the authority and responsibility for determining whether a potential for adverse impact exists or does not exist. The Human Resources/Risk Management Director, or designee, shall review and concur with the Department Director's determination before a personnel action is made.
- E. Employees who violate this Policy will be subject to appropriate disciplinary action up to and including termination of employment.

IV. DEFINITION OF TERMS

- A. "*Relative*" means a connection between individuals by blood, marriage, adoption, domestic partnership, or consensual personal relationship, including an individual who resides in the same household, and including but not limited to: spouse, child, step child, foster children, parent, grandparent, grandchild, brother, sister, half brother, half sister, uncle, niece, nephew, in laws, an award of the State, or any other individual related by blood, or marriage.
- B. "*A Supervisory relationship*" means any employee, regardless of job description or title, having authority, directly or indirectly, in the interest of the employer to affect another employee's duties and responsibilities, wages, hours, request for time off, benefits, career progress, work assignments, resolving disputes, and other terms and conditions of employment.

EMPLOYMENT OF RELATIVES (NEPOTISM) (*Continued*):

V. PROCEDURE

- A. The employee is responsible for immediately notifying the Department Director of the existence of or an impending marriage, domestic partnership, or consensual personal relationship with another employee in the same department. Failure to promptly notify the Department Director of the existence of a Relative relationship as defined in Section IV.A shall be grounds for disciplinary action.
- B. The Department Director shall be responsible for ensuring that work assignments are made so as to avoid conflict of interest or violation of this Policy.
 - 1. If no conflict of interest exists because employees have no working interrelationship, or supervisory or valuative control over one another, no action shall be necessary.
 - 2. If conflict exists, such action may include reassignment to another position, work location or work shift within the department, the Human Resources Department will be contacted to identify other possible alternatives within other City departments. However, if no possible placement is found, one of the employees will be separated from City service or given the option to resign within thirty (30) days.
 - a. Factors that may be considered when determining possible alternatives include but are not limited to the positions each employee holds, the education and experience each employee possesses, the City's ability to recruit for a replacement, vacancies available, and employee's ability to succeed.

VI. ACTION

This Policy is effective May 17, 2010.