

DEPARTMENT OF ADMINISTRATIVE SERVICES
INTERNAL POLICIES AND PROCEDURES

Subject: NEPOTISM/HIRING OF RELATIVES AND THOSE WITH A CLOSE PERSONAL RELATIONSHIP

Date: July 21, 2008

Ref: (a) Utah Code Section 52-3-1 (Nepotism Act)
(b) DHRM Rule Section R477-7-9
(c) Governor's Executive Order 2007-0001, Establishing an Ethics Policy for Executive Branch Agencies and Executive Branch Employees

Purpose:

To provide guidance on the State's Nepotism Act, which makes it unlawful to appoint, supervise or make salary or performance recommendations for a relative. Additionally, this policy defines the Department of Administrative Services' extension of these prohibitions to include those persons with whom there is a close, personal relationship and any companies where such individuals or relatives are employed or have any ownership. It also discourages and requires disclosure of the practice of hiring of relatives or others with whom there is a close personal relationship in the same division.

Policy:

1. The Department of Administrative Services believes all employees should be competitively selected on the basis of qualifications. The department rigidly adheres to the Nepotism Act regarding appointing and supervising relatives. The department also exercises their right to incorporate other good management practices by extending these prohibitions to include those persons with whom there is a close, personal relationship, and any companies where such individuals or relatives are employed or have any ownership. It also discourages hiring of relatives or others with whom there is a close personal relationship in the same division. This policy applies to permanent and temporary employees.
2. The state's Nepotism Act states: "No public officer may employ, appoint, or vote for or recommend the appointment of a relative in or to any position or employment, when the salary, wages, pay, or compensation of the appointee will be paid from public funds and the appointee will be directly supervised by a relative . . ."
3. Reference (a) defines a relative as "father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-

law, sister-in-law, son-in-law or daughter-in-law." Reference (b) also includes grandchildren, grandparents, spouse's grandparents, step-children, step-parents, step-grandparents, spouse's step-grandparents, step-sisters and step-brothers under the definition of immediate family. For this policy, the definition of a relative is a combination of (a) and (b).

4. The department requires disclosure of the relationship before hire, transfer or promotion to a position in DAS. Hiring relatives may be approved if there is no working relationship between them that might reasonably give rise to criticism or conflict of interest. Division Directors will evaluate such hiring decisions on a case-by-case basis and consult with the Executive Director or the Executive Director's designee.
5. During the initial interview, hiring officials shall ask applicants to declare if they have relatives or others with whom there is a close personal relationship working in the same division of the Department or other divisions of the Department, if an ongoing working relationship may occur. If the applicant has a relative currently working in the division, approval from the Executive Director, or the Executive Director's designee, is required before making an offer of employment.
6. Any applicant who withholds or gives false information regarding personal relationships may be terminated. A supervisor who knowingly violates this policy is subject to disciplinary action.
7. Employees working within the same division who marry may be reassigned at the discretion of the division director or executive director. If the Nepotism Act is violated by a marital relationship, employees will be reassigned by the Division Director or Executive Director.
8. Supervisors shall not supervise individuals where there may be a conflict of interest, including conflicts that arise from personal relationships.