



PERSONNEL: General

Nepotism

I. Purpose

To establish clear standards in order to avoid conflicts of interest or favoritism in the hiring, discipline, retention, evaluation, promotion and/or dismissal of family members.

II. Definitions

- A. *Affinity* – A relationship by marriage.
- B. *Chain of Command* – Series of management positions in order of authority.
- C. *Conflict of Interest* – A situation in which a person has a private or personal interest sufficient to appear to influence the objective exercise of his or her official duties.
- D. *Consanguinity* – A blood relation – persons related by blood.
- E. *Direct Chain of Supervision* – Includes any position for which the supervising employee is responsible for making employment-related decisions, including hiring, discipline, retention, evaluation, promotion, dismissal and/or conferring of any employment benefit.
- F. *Family Member* – Any individual within the second degree of consanguinity or within the first degree of affinity as shown in Policy 4010, Form A.
- G. *Nepotism* – Favoritism shown to a family member with regard to hiring, discipline, retention, evaluation, promotion, dismissal and/or the conferring of any employment benefit.
- H. *Principal or Supervisor* – Any employee, regardless of job description or title, having authority to hire, discipline, retain, evaluate, promote, dismiss and/or confer any employment benefit on other employees, including the responsibility of directing employees and/or resolving employee problems through the grievance or similar process.

- I. *Primary Supervision* – The direct supervision of one employee over another.
- J. *Prohibited Relationship* – A professional working relationship of an employee with a family member where one employee has primary or secondary supervision over a family member, or in any other way has influence over the hire, transfer, suspension, layoff, promotion, discharge, assignment, evaluation or discipline of a family member.
- K. *Recuse* – Refers to the act of abstaining from participation in an official act.
- L. *Secondary Supervision* – Indirect supervision of one employee over another, usually within a chain of command.

III. Guidelines

- A. This rule shall apply to all Board employees.
- B. An employee may not be in a position that directly supervises, evaluates or disciplines a family member. Family members may not be hired, assigned, transferred or promoted if such action would violate this prohibition.
- C. Should two employees enter into a relationship that would create a violation of this rule, one of the employees will be transferred to a position in the same or similar job classification, if available.
- D. Employees shall notify the director of staffing by submitting a completed nepotism form within 10 days of becoming aware that they have become the family member of another Baltimore County Public Schools' employee or a member of the Board.
- E. All applicants shall complete the *Acknowledgement of Nepotism form* (hereinafter, "nepotism form") prior to their hire (Rule 4010, Form A).
- F. When approved by the director of staffing, individuals who are family members are permitted to work in the same school or office, provided no direct reporting or supervisor-to-subordinate relationship exists. No employee shall be permitted to work within the chain of command when one family member's work responsibilities, salary, hours, career progress, benefits or other terms and conditions of employment could be influenced by the other family member.

IV. Compliance

- A. The director of staffing shall ensure that new employees are informed of Board Policy 4010 and this rule at the time of hire.
- B. The director of staffing shall consider the provisions of this rule when recommending all assignments, transfers and promotions.
- C. The principal/supervisor shall determine if a conflict of interest or the appearance of a conflict of interest exists in the workplace; this determination shall be reviewed by the director of staffing prior to any appointment being finalized.
 - 1. When the principal/supervisor determines that a family member relationship exists between two members of the school/office, the principal/supervisor must submit a memo to the director of staffing.
 - 2. The memo shall include the following: (1) notice that a family member relationship exists between two members of the school/office; (2) the names and positions of the employees; and (3) a statement regarding why the relationship creates a conflict of interest or appearance of a conflict of interest exists.
 - 3. The director of staffing shall review the memo and make a final decision concerning the appointment.
- D. To prevent an actual conflict of interest or the appearance of a conflict of interest, employees in the Division of Human Resources, Department of Fiscal Services and the Office of Internal Audit shall recuse themselves from decisions that impact the wages, hours, benefits, career progress and other terms and conditions of employment of their family members.
- E. Any employee transfer made as a result of Policy 4010 and this rule shall be made in accordance with Board policies, Superintendent's Rules, school system procedures and applicable collective bargaining agreements.

V. Exceptions

Any exception to the guidelines outlined in this rule must be approved by the Superintendent, except where the Superintendent is the employee in a prohibited family member relationship as outlined herein. In such cases, any exception must be approved by the Board.

VI. Violation

Employees shall be responsible for making all reports required by this rule. Any alleged violation of this rule shall be investigated by the chief human resources officer or his/her designee. If it is determined that an employee has violated this rule, the employee shall be subject to disciplinary action, up to and including termination.

Legal References: *Annotated Code of Maryland*, General Provisions Article Title 5, Maryland Public Ethics Law
Annotated Code of Maryland, General Provisions Article §§5-815 to 5-821, *Local Boards of Education*
COMAR 19A.05, *Board of Education Ethics Regulations*

Related Policies: Board of Education Policy 8363, *Conflict of Interest – Prohibited Conduct*

Rule

Superintendent of Schools

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