

# Davis Technical College

## Employment of Relatives

**Effective Date: 22 September 2022**

President's Council Approval: 15 August 2022

Board Approval: 22 September 2022

### 1. Purpose

To outline Davis Technical College's (hereafter "College") policy towards employment of relatives and to minimize the negative impact on productivity and job satisfaction created by nepotism or the perception of nepotism. This policy applies to all College employment as well as appointees, chief administrative officers, and public officers as defined under Annotated Utah Code 52-3-1.

### 2. References

Annotated Utah Code 52-3-1

### 3. Definitions

**3.1. Employee** - a person whose salary, wages, pay, or compensation is paid from public or College-managed funds.

**3.2. Chief Administrative Officer**- a person who has ultimate responsibility for the operation of a department or agency of the state or a political subdivision.

**3.3. Public Officer**- a person who holds a position that is compensated with public funds.

**3.4. Relative** – means a father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law. Step or foster relationships are included.

**3.5. Household Member**- means a person who resides in the same residence as the public officer and/or employee.

**3.6. Supervisor**- A person employed by Davis Technical College who has hiring authority for and holds a position that directly supervises an employee of the College.

### 4. Policy

**4.1** In compliance with Annotated Utah Code 52-3-1, it is unlawful for a public employee to appoint, employ, vote for, or recommend the appointment of a relative or household member in or to any position of paid employment with the College or directly supervise the employee. The restraint extends further in that a subordinate supervisor may not hire the relative or household member of a superior.

**4.2.** Exceptions to this policy may be granted as follows:

**4.2.1.** The relative or household member was employed before the public officer assumed his/her position and if the relative's appointment does not violate the provisions of this policy at the time of the appointment; or

**4.2.2.** The relative or household member will be employed for a period of twelve (12) weeks or less; or

**4.2.3.** The relative or household member is a volunteer as defined by the College; or

**4.2.4.** The cognizant Vice President or President determines that the relative/household member is the only qualified person to fill the position and/or that the supervisor is the only person available or the best qualified person to supervise the functions of the relative/household member and the exception request is approved per section 5.2. of this policy.

**4.3.** Any supervisor who exercises authority over a relative/household member may not treat them differently than other employees and may not give preferential treatment or other advantages to the relative.

## **5. Procedures**

**5.1.** Employees are required to disclose any relationship to existing College faculty and staff as part of completing new hire paperwork and/or completing employment application materials.

**5.2.** Exceptions must be requested in writing and submitted to the cognizant Vice President or President, explaining the relationship, the reasons for the exception, the effect on salary and classification determination, how performance appraisals and promotions will be handled, and how general supervision will be accomplished. Any supervisor who exercises authority over a relative may not evaluate the relative's job performance or recommend pay increases for the relative. This request must be approved before the relative/household member can be hired.

**5.2.1.** If an exception is approved, the Human Resources Office will include both the written request and approval within the employee's personnel file.

**5.3.** It is the responsibility of each employee to disclose in writing to the Human Resources department or cognizant Vice President or President any relationship noted in this policy. In the event a pre-existing relationship is discovered or a new relationship develops among employees, a written request will be submitted to the Human Resources department as soon as reasonably practical and not to exceed 30 days from the date of the event explaining the relationship, the reasons for the exception, the relationship's effect on salary and classification determination, how performance appraisals and promotions will be handled, and how general supervision will be accomplished. Such a request must also be approved by the cognizant Vice President or President.