

DRAFT

Yosemite USD

Board Policy

BP 4112.8/4212.8/4312.8 (*DRAFT REVISIONS*)

All Personnel

Nepotism: Employment of Relatives

The Governing Board recognizes that the perception of nepotism involving a member of the Governing Board or District employees may negatively affect the supportive working conditions that the District strives to maintain for its employees. The Governing Board further recognizes that this perception may be minimized by reasonably regulating the business interactions between District employees who are related by blood, marriage or domestic partnership. This Board Policy and related Administrative Regulation(s) are intended to address such concerns without inhibiting the rights of Governing Board members or District employees.

The following requirements shall govern the hiring of, or assignment of duties to, District employees:

1. If a person is related by blood, marriage or domestic partnership to a Governing Board member, the District shall employ that person only in accordance with the restrictions specified under Government Code sections 1091, 1091.5 and other applicable provisions of law.
2. If a prospective employee is related by blood, marriage or domestic partnership to a current District employee, the District may hire and place a prospective employee in a position for which he/she is qualified, so long as the District does not: (1) hire and place the prospective employee a position where a current District employee maintains supervisory or evaluation responsibilities for that position; or (2) hire and place the prospective employee in a position where he/she maintains supervisory or evaluation responsibilities for a current District employee.
3. If a current District employee is related by blood, marriage or domestic partnership to another current District employee, the District may appoint, promote or demote a current District employee to a position for which he/she is qualified, so long as the District does not appoint, promote or demote a current District employee to a position where another current District employee maintains supervisory or evaluation responsibilities for that position.

4. The Governing Board may grant exceptions to these prohibitions regarding the hiring, promotion and demotion of related employees. However, in granting such exceptions, the Board and/or Superintendent shall make reasonable efforts to minimize problems of supervision, safety, security, or morale.
5. By adopting this policy, the Governing Board expressly excepts from this prohibition any District employee who, at the time this Board Policy is adopted, holds a position that is supervised or evaluated by another person to whom that District employee is related by blood, marriage or domestic partnership. The Governing Board and/or Superintendent shall make reasonable efforts to modify the process of supervising and evaluating those District employees in order to minimize any problems of supervision, safety, security, or morale.
6. Whenever the Governing Board makes an exception to this prohibition, and when a complaint relates to or arises from a District employee who is subject to the exception, the complaint shall be governed by the Alternative Complaint Process set forth in Administrative Regulation 1312.1.1.
7. District employees who are related by blood, marriage or domestic partnership may be assigned to the same department or work location only upon approval by the Governing Board and/or Superintendent.

This policy is intended to avoid conflicts of interest or the perception of conflicts of interest either on the part of a member of the Governing Board or District employees.

Legal References:

GOVERNMENT CODE

1090-1097 Prohibitions applicable to specified officers

1125-1128 Incompatible activities

12940 Unlawful employment practices, exceptions

Education Code

35160 Permissive education code

CALIFORNIA CODE OF REGULATIONS

Cal. Code Regs., tit. 2 sections 7286, 7292,