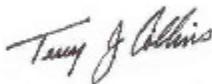


STATE OF OHIO



DEPARTMENT OF REHABILITATION  
AND CORRECTION

SUBJECT: <b>Nepotism</b>	PAGE <u> 1 </u> OF <u> 4 </u> NUMBER: 34-PRO-01
RULE/CODE REFERENCE:	SUPERSEDES: 34-PRO-01 dated 02/15/01
RELATED ACA STANDARDS:	EFFECTIVE DATE: December 10, 2009
	APPROVED: 

**I. AUTHORITY**

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

**II. PURPOSE**

To establish a policy that ensures that hiring and supervision in the Department are conducted in a manner which enhances public confidence in government and prevents situations which give the appearance of partiality, preferential treatment, improper influence, or a conflict of interest.

**III. APPLICABILITY**

This policy pertains to all employees of the Department of Rehabilitation and Correction. It specifically applies to employees involved in hiring, promoting and/or supervising department employees.

**IV. DEFINITIONS**

**Closely Related by Blood or Marriage** - Includes but is not limited to spouse, children (whether dependent or independent), parents, grandparents, siblings, aunts, uncles, in-laws, step-children, step-parents, step-grandparents, step-siblings, step-aunts, step-uncles, and other persons related by blood or marriage who reside in the same household.

**Significant Relationship** – Includes people living together as a spousal or family unit when not legally married or related where the nature of the relationship may impair the objectivity or independence of judgment of one individual working with the other.

**Business Associates** - Parties who are joined together in a relationship for business purposes or acting together to pursue a common business purpose or enterprise.

**Supervision** - The direct ability or power to effectively recommend the hire, transfer, suspension, layoff, recall, promotion, discharge, assignment, reward, discipline, or settlement of disciplinary grievances *or* appeals of another public employee, including the authority of a board or committee to order personnel actions affecting the job.

**V. POLICY**

It is the policy of the Ohio Department of Rehabilitation and Correction to ensure that hiring and supervision in the department is conducted in a manner which enhances public confidence and prevents situations that give the appearance of partiality, preferential treatment, improper influence or a conflict of interest. All DRC employees are prohibited from authorizing or using the authority or influence of his or her position to secure the authorization of employment or benefit (including a promotion or preferential treatment) for a person closely related by blood or marriage or other significant relationship including business association.

**VI. PROCEDURES****A. Hiring**

1. Except as provided in Section C of this policy, no employee serving as a Department Director, Assistant Director, Deputy Director or any person of equivalent rank shall have in the employ of that person's department any person closely related by blood, marriage, or other significant relationship including business association.
2. Except as provided in Section C of this policy, no Human Resource Administrator, Chief of Human Resources or person of equivalent rank shall have in the employ of that person's department any person closely related by blood, marriage, or other significant relationship including business association.
2. An employee routinely involved in the hiring or promoting process must notify his superior, in writing, if an applicant for employment or a candidate for promotion is a family member, business associate, or someone with whom they have a significant relationship.
4. No employee in the personnel area shall process any personnel actions or use the authority or influence of that employee's position to secure the employment of a person closely related by blood, marriage, or other significant relationship, including business association.

**B. Supervision**

1. Except as provided in Section C of this policy, no employee shall supervise any person closely related by blood, marriage, or other significant relationship including business association.
2. Should a supervision conflict arise, the Department shall work expeditiously to relocate or transfer one of the individuals to eliminate the conflict to the extent permitted by law and or collective bargaining agreement. This relocation or transfer should be to a comparable position with minimal inconvenience to the transferring employee.

3. No employee in the personnel area shall review or be involved in the disciplinary actions of a person closely related by blood, marriage, or other significant relationship, including business association.

### **C. Exceptions**

1. Sections A and B of this policy shall not apply to those circumstances in which:
  - a. A marital or other significant relationship develops subsequent to both the employee's employment with the department. (In such cases, the Department shall make reasonable attempts to avoid a supervisory conflict.)
  - b. The employee is employed by the department prior to the appointment of a person closely related by blood, marriage, or significant relationship to the position of Director, Assistant Director, Deputy Director or personnel employee (e.g., A husband is employed at the agency and his wife is offered the appointment of Deputy Director. Although the department should make reasonable attempts to ensure that the wife does not directly supervise her husband, neither the husband nor the wife must leave the agency).
  - c. A person closely related by blood, marriage, or significant relationship obtains employment with the same department as the result of bumping, displacement, recall or some other non-discretionary personnel action.
  - d. The employee served in a capacity other than Director, Assistant Director, Deputy Director or personnel employee at the time the person closely related by blood, marriage, or significant relationship was hired by the department (e.g., A sister and brother are both employed by the department and the sister achieves a promotion to the personnel area of the department. A conflict does not exist provided the sister does not process any personnel actions for her brother).
  - e. The employee is employed in the personnel division of a department that has more than one personnel office by virtue of the institutional nature of the department, and a person closely related by blood or marriage is hired by the personnel office of another location to work for that location (e.g., a public employee is a personnel officer at RCI and his brother is hired by the personnel department at SOCF).
  - f. A person closely related by blood or marriage, or has other significant relationship including business association with the Assistant Director, Deputy Director or any person of equivalent rank other than the Human Resource Administrator is not prohibited from working in the same department as long as the Assistant Director, Deputy Director, or any person of equivalent rank does not participate in the hiring of the employee and has no direct line of supervision.

**D. Procedures**

Each facility and the Bureau of Personnel shall designate a human resources officer or other person to be personally responsible for requesting nepotism information and accurately documenting any information received by the applicant/transferring employee. Every personnel action form for a new hire, promotion, or transfer posted must include a representation that all items contained in the pre-hire review form were verified. This representation can be made by either by checking the box immediately above the Appointing Authority's signature on the forms or typing in a statement in the remarks section.

**E. Violations**

Any violations of the criminal or ethics laws should be reported to the department's Human Resources Legal Counsel and will be referred to the Office of Chief Legal Counsel in the Governor's Office, as required by the Governor's Procedures for Responding to Illegal Activity. Any violations of the ethics laws should also be reported to the department's Human Resources Legal Counsel and will be referred to the Ohio Ethics Commission. Violations of this policy may result in discipline up to and including removal.