

PROCEDURES MEMORANDUM

TO: MCC Staff

FROM: Office of the President

SUBJECT: Employment of Individuals with Familial or Other Close Relationships (Also known as Related Persons or Nepotism)

DATE: September 2, 2008

PURPOSE: To prevent conflicts of interest in reporting relationships.

SCOPE: This procedure applies to all College employees, including those holding work-study or internship appointments.

1. General

There is a conflict of interest when an employee makes an employment or evaluative decision concerning another individual with whom he/she has a familial or other close relationship. Even when there is not a direct supervisory link between the two individuals, there may be an appearance of impropriety—a perception of unfairness that may be injurious to the College.

Employment of individuals with familial or other close relationships is permitted so long as:

- A. One College employee is not in a position to directly, or indirectly, determine or improperly influence the supervision, appointment, retention, termination, salary, leaves of absence, or other terms or conditions of employment of the related person.
- B. Related persons are employed within different administrative units and/or at different locations. See chart of examples in section 4 of this PM.
- C. Within Academic Affairs, the related persons are not employed in the same academic prefix.

No employee will be transferred, either through the application/selection process or through College reassignment, if a conflict of interest in reporting relationship, as above described, would occur as a result of the transfer. It is the responsibility of the supervisor(s) involved in the transfer to determine if related persons are or could be involved in violation of this PM. Supervisor(s) shall consult with the subject employee(s) and Human Resources to ensure compliance with this PM.

Current employees who marry one another, become residents of the same household, or otherwise become related persons as defined in section 2 of this PM may continue in employment by the College provided they do not work in a direct supervisory relationship with one another. When such a situation arises, the College will make a good faith effort, if possible, to reassign the affected employee(s) so as to conform to this policy.

2. Definitions

As used in this PM, a related person is one who has a familial or other close relationship with a current College employee.

- A. Familial relationship includes: 1) a spouse, 2) any other person residing in the same household as the employee who is a dependent of the employee or of whom the employee is a dependent, or 3) any person related to the employee within the second degrees of kinship or the third degree of lineage. This includes the employee's or the spouse's children, parents, grandparents, great-grandparents, brothers, sisters, half-brothers and half-sisters, grandchildren, great-grandchildren, aunts, uncles, nieces, nephews, first cousins, second cousins, and persons married to them, including adopted, step, and foster relationships.
- B. A close relationship is considered to exist when there is a committed relationship, consensual sexual or romantic relationship, or where the benefited individual is someone who resides in the same residence.

3. Specific Requirements and Conditions Required by Nebraska Law Respecting Members of the Same Immediate Family

- A. In accordance with the requirements of Nebraska state statute §49-1499.04, an official or employee of the College may employ or recommend or supervise the employment of an immediate family member only if:
 - 1) The employee or official makes a full disclosure on the record to the Board of Governors and a written disclosure to the Associate Vice President of Human Resources; and the Board of Governors and the President, or his or her designee, explicitly approves the employment or supervisory relationship in writing;
 - 2) There has first been a reasonable solicitation and consideration of applications for the employment or position;
 - 3) The employee or official does not terminate the employment of another employee so as to make funds or a position available for the purpose of hiring a related person (as defined in section 2 of this PM); and

- 4) The related person (as defined in section 2 of this PM) is qualified for and able to perform the duties of the position, is required to perform the duties of the position, and is not compensated at an unreasonably high rate of pay.

4. Request to Hire Related Persons

- A. All job applicants shall be required to disclose all related persons known to be employed at the College.
- B. If a finalist for employment at the College discloses any related person currently employed at the College (or the existence of a related person becomes otherwise known), the Associate Vice President of Human Resources shall evaluate the relationship and its possible effects upon the College, considering such factors as:
- 1) Was the candidate in actuality the best qualified for the position or did the existence of a relationship affect the hiring supervisor’s and/or hiring committee’s decision;
 - 2) The likelihood that the interaction of the related persons may create the appearance of impropriety;
 - 3) The likelihood that the existence of the relationship may cause a disruption in the workplace or negatively affect the decision-making of the related persons;
- C. The Associate Vice President of Human Resources may consult with the President or other administrator, as appropriate, prior to authorizing or denying such employment.
- D. Examples of potential employment relationships involving related persons.

Scenarios Involving Related Persons	Okay to Hire Related Persons?	Rationale
<ul style="list-style-type: none"> ▪ Custodian at SOC ▪ Student Services at SOC 	Yes	Same campus but different administrative units—Facilities Management & Campus/Student Affairs
<ul style="list-style-type: none"> ▪ Custodian at SOC ▪ Custodian at EVC 	Yes	Same administrative unit but different campus locations
<ul style="list-style-type: none"> ▪ Dean of Social Sciences ▪ Adjunct teaching political science courses 	No	Direct supervisory relationship
<ul style="list-style-type: none"> ▪ Student Services Assistant at Sarpy – pt regular ▪ Student Services Assistant at Sarpy – pt temporary 	No	Two ‘related persons’ working at same location & in same administrative unit
<ul style="list-style-type: none"> ▪ Adjunct teaching Biology courses (BIOS) ▪ Adjunct teaching Physics courses (PHYS) 	Yes	Same administrative unit—Math & Natural Sciences in Academic Affairs—but teaching different course prefixes

5. Application

This PM shall apply equally to members of both sexes, without favoritism, partiality, or preference to members of either sex and without regard to marital status.

Any exception to this PM requires written approval from the President of the College (or, where required by paragraph 3.A.1, approval of the Board of Governors).

6. Effective Date and Disclosure

This PM shall be effective beginning September 2, 2008. Employment relationships which would violate the provisions of this PM but which were in effect prior to September 2, 2008, shall not be affected by this policy, provided that the affected individuals neither initiate or participate in decisions involving a direct benefit to a related person.

Each employee is expected and required to observe the spirit of this PM by voluntarily disclosing any personal relationship, as defined in section 2 of this PM, and disqualifying himself or herself from participating in personnel decisions in which a related person is involved or affected. For example, current employees may not serve on a screening committee for a position vacancy if an individual with a familial or other close relationship to the employee is an applicant for the position vacancy.

7. Violation(s)

Any employee who violates any provision(s) of this PM shall be subject to disciplinary action pursuant to PM VI-24, *Employee Discipline Procedural Suggestions and General Work Expectations*, up to and including termination of employment.

Any applicant for employment found to be in knowing violation of this PM shall immediately be disqualified from employment at the College. Any newly hired employee found to be in knowing violation of this policy will be terminated from the employment of the College pursuant to PM VI-24.

Adopted 11-25-87; Revised 11-27-01; 11-27-06; 9/2/08