

 <p style="text-align: center;">City of Berkley, Michigan ADMINISTRATIVE DIRECTIVE</p>	<p>Directive #: 2017 - 04 Effective Date: June 26, 2017 <i>Page 1 of 3</i></p> <p>Supersedes:</p>
<p>Approved by:  <hr style="width: 200px; margin: 0 auto;"/> Mathew C. Baumgarten City Manager</p>	<p>Title:</p> <p style="text-align: center;">NEPOTISM</p>

OVERVIEW:

It is the City of Berkley's policy not to discriminate in its employment and personnel actions and decisions on the basis of marital or familial status. Notwithstanding this policy, the City of Berkley retains the right to refuse to hire or appoint a person to a position in the same department, division or facility, wherein his/her relationship to another employee or elected or appointed official has the potential for creating adverse impact on supervision, safety, security or morale, or involves a potential conflict of interest. With this in mind, persons participating in the hiring process are expected to be thorough and thoughtful when considering a job applicant that is related to a current employee or an elected or appointed official.

This directive applies to individuals who are related by blood, marriage, adoption or other legal action including the following relationships: spouse, child, step-child, parent, step-parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, parent-in-law, daughter-in-law, son-in-law, brother-in-law and sister-in-law. When such relationships exist, or have the potential to occur, individuals may not be employed in positions where they will report, directly or indirectly, to each other. City of Berkley administrative leaders (i.e., city manager, deputy city manager, department heads and supervisors regardless of title) are responsible for ensuring that employees in their units do not control the scheduling, timekeeping, performance evaluations, disciplinary actions, or other employment and payroll functions for their relatives.

It is lawful for the City of Berkley to ask an applicant to state whether he or she has a spouse or relative as defined in this policy who is presently employed by, or is an elected or appointed official of, the City of Berkley. Such information may not be used as a basis for an employment decision except as stated herein. It applies to employees in all categories (full time, part time, seasonal and contractual hires) when the expected duration of employment is greater than 80 hours in a fiscal year.

DEFINITIONS:

1. Supervisory employee or supervisor - any employee, regardless of job description or title, having authority to hire, direct, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or recommend such actions on behalf of the City of Berkley.

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2. Adverse impact – unwanted and unanticipated result of taking a particular action. It refers to a disparity or bias in selection for hiring or promotion that disadvantages individuals and tends to result in any of the following: conflict of interest; bias or partiality in employee supervision, evaluation or discipline; favoritism, security concerns, dissension or decrease in employee morale or operational efficiency.
3. Non-disciplinary separation – separation from city service that does not result from a corrective action taken against an employee. This includes, but is not limited to, resignation, reduction in force or other changes in work conditions deemed appropriate by the city manager.

For purposes of this policy, when two existing employees marry, and a determination has been made that the potential for creating adverse impact as described above exists, the department head in conjunction with the City Manager, or designee, shall make reasonable efforts to minimize problems related to supervision, safety, security or morale through reassignment of duties, relocation or transfer of one of the related employees. If the city is unable to make an acceptable accommodation, then the two individuals will be notified by the department head that one of the employees must separate from city employment within 60 days. The choice of who shall separate from city service shall be the employees'. In the event the employees do not agree with respect to which one shall resign, the employee with the least seniority shall be separated from city service classified as a non-disciplinary separation.

PROCEDURE

The policy applies to appointments to fill vacant positions, seasonal employees and contract employees when the expected duration of the appointment is in excess of eighty (80) hours in a fiscal year. Departments must submit a disclosure memo to the Deputy City Manager (City Manager's Office) before a job offer is made. The memo should include the following:

- a) Candidate's name and relationship to a current city employee or official, including the current employee's title.
- b) Confirm that the candidate will not report to a current employee either directly or indirectly.
- c) Describe conditions by which the candidate may potentially report to a current employee, if applicable.
- d) Identify any foreseeable adverse impact such hiring may have on current department employees
- e) Provide additional information that may be requested by the Deputy City Manager.

The Deputy City Manager (City Manager's Office) will review the information and respond to the requesting director within five business days. If appropriate, the City

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Attorney will be consulted and the department director will be notified of the outcome. Job offers should not be extended before the final determination has been made by the City Manager's Office.

When two employees marry and the department head determines that a potential for adverse impact exists, he/she shall (in conjunction with the Department Director) make reasonable efforts to minimize the problems. If the department head is unable to make an acceptable accommodation, the department head shall notify the employee(s) in writing that one of the employees must separate from the City within sixty (60) days. The choice of who shall separate from City service shall be the employees'. In the event the employees do not agree with respect to which one shall resign, the employee with the least seniority shall be separated from City service.

Questions regarding this directive, or any process described herein, should be directed to the City Manager's Office.

DSL