

BP 7310 NEPOTISM**References:**

Government Code Sections 1090 et seq. and 12940 et seq.

The District does not prohibit the employment of relatives or domestic partners in the same department or division, with the exception that they shall not be assigned to a regular position within the same department, division, or site that has an immediate family member who is in a position to recommend or influence personnel decisions.

Personnel decisions include appointment, retention, evaluation, tenure, work assignment, promotion, demotion, or salary of the relative or domestic partner.

Immediate family means spouse, domestic partner, parents, grandparents, siblings, children, grandchildren, in-laws, step relatives, or any other relative living in the employee's home.

The District will make reasonable efforts to assign job duties to minimize the potential for creating an adverse impact on supervision, safety, security, morale, or creating other potential conflicts of interest.

Notwithstanding the above, the District retains the right where such placement has the potential for creating an adverse impact on supervision, safety, security, morale, or involves other potential conflicts of interest, to refuse to place spouses in the same department, division or facility. The District retains the right to reassign or transfer any person to eliminate the potential for creating an adverse impact on supervision, safety, security, morale, or involves other potential conflicts of interest.

This rule is subject to the following limitations:

1. The spouse of a member of the Board of Trustees or the spouse of the Superintendent/President may not be hired as an employee of the District. The spouse of a Board member may continue employment with the District, provided the Board member's spouse was employed by the District prior to the Board member's selection or appointment.
2. The Board of Trustees may, upon recommendation by the Superintendent/ President, deny employment to a spouse of any current employee or a family member of any current employee or Board member based on the individualized assessment of the work situation. The Board's assessment must demonstrate a reasonable potential for a financial conflict of interest wherein the employee or Board member would stand to personally profit from decisions he/ ~~er~~ she would make or effectively recommend on behalf of the District concerning his or her spouse or family member.

If current employees of the District marry, are married to, or are family members of current employees, the Superintendent/President or designee will assess the individual work situation as needed. If the assessment demonstrates a conflict of interest described above or evidence of a family member improperly providing benefits in initial appointment, evaluation, assignment of work, promotion, retention, salary determination, leave of absence, or other conditions of work the Superintendent/President will direct the reassignment of job responsibilities so as to minimize the resulting problems of supervision, safety, security, or morale and eliminate the potential for conflict of interest. Individuals whose duties are reassigned as result of this policy shall not suffer a change in employment status or a decrease in pay solely through application of this paragraph.

Also see AP 7510 titled Domestic Partners

Date Adopted: August 23, 2011
(Replaces College of Marin Policy 5.0024)