



OLIVEHURST PUBLIC UTILITY DISTRICT (OPUD)
Anti-Nepotism Policy

Effective: 01-18-07
Rev 0

It is the policy of Olivehurst Public Utility District not to discriminate in its employment and personnel actions with respect to its employees and applicants on the basis of marital or familial status. Notwithstanding this policy, the Olivehurst Public Utility District retains the right to refuse to appoint a person to a position in the same department, division or facility, wherein his/her relationship to another employee has the potential for creating adverse impact on supervision, safety, security or morale, or involves a potential conflict of interest. The department head shall have the authority and responsibility for determining if such a potential for adverse impact exists or does not exist.

- Where the department head has made a determination that such adverse impact does not exist, this determination shall be reviewed by the Resource Coordinator prior to any appointment being made. If the Resource Coordinator determines that an adverse impact would in fact occur, the department head and General Manager shall be notified.
- This policy applies to individuals who are related by blood, marriage or adoption including the following relationships: spouse, child, step-children, parent, step-parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, niece-in-law, nephew, nephew-in-law, parent-in-law, daughter-in-law, son-in-law, brother-in-law and sister-in-law. A spouse is a partner in marriage as defined in California Civil Code 4100. In implementing this policy, it is lawful 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 the District, but such information may not be used as a basis for an employment decision except as stated herein.
- This policy shall apply to all appointments to ordinance positions in the District service. It shall also apply to appointments of extra help employees and contract employees when the expected duration of the appointment is in excess of 80 hours in a fiscal year.
- For purposes of this policy, "supervisory employee" or "supervisor" means any employee, regardless of job description or title, having authority in the interest of the employer to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend this action, if, in the connection with the foregoing, the exercise of this authority is not of a merely routine or clerical nature, but requires the use of independent judgment.
- 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 Resource Coordinator, shall make reasonable efforts to minimize problems of supervision, or safety, security or morale through reassignment of duties, relocation of transfer, If the District 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 District employment within 60 days. The choice of who

shall separate from District 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 District service pursuant to Civil Service Rule 1103 (Non-Disciplinary Separation).

PROCEDURE

The Nepotism Review Request form needs to be filled out in the following situation:

- Prior to hiring an applicant who is related to a District employee, prior to any personnel action when a District employee who is related to another District employee moves from one position to another position, and when two (2) District employees marry. The policy applies to appointments to full-time positions as well as extra help employees and contract employees when the expected duration of the appointment is in excess of eighty (80) hours in a fiscal year. Departments need to submit a Nepotism Review Request form to the Resource Coordinator at least five (5) business days prior to the hiring effective date. Only department heads may sign the request form. The Resource Coordinator will review the request form and concur (with or without restrictions) or not concur with the decision of the department head. If the Resource Coordinator does not concur, a copy of the request form will be sent to the General Manager. The General Manager shall have the authority and responsibility for determining if a potential for adverse impact exists or does not exist, and deciding whether to appoint the applicant or employee.
- When two employees marry and the department head determines that a potential for adverse impact exists, he/she shall (in conjunction with the Resource Coordinator) 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 District within sixty (60) days. The choice of who shall separate from District 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 District service pursuant to Civil Service Rule 1103 (Non-Disciplinary Separation).