Administrative Procedure 7310
Nepotism

Any act of an employee to use the authority, discretionary power or influence of his/her position to obtain or secure the employment or promotion of persons related by blood or marriage or domestic partner is prohibited. This procedure shall apply to all employees including full time, part time, temporary and student workers and members of the Board of Trustees.

A person related by blood or marriage shall include spouse, parents, grandparents, siblings, children, grandchildren, in-laws, aunts, uncles, nieces, nephews, cousins, step-relatives, relationships by adoption, or any other relative living in the employee's home.

Prohibited acts shall include, but not necessarily be limited to, activity in the following processes:

1. Preparing reference forms, appraisals of recommendation for promotions, letters of reference, performance evaluations, or any other evaluation process related to the employment, retention, or promotion of employees related by blood or marriage or domestic partnership.

2. Preparing employment criteria or competitive examination materials, or participating directly or indirectly in the screening or interviewing of candidates for employment or promotion for positions in which candidates related by blood or marriage or domestic partnership are competing.

3. Participating in the appointment, transfer, or job placement decisions related to the assignment of employees related by blood or marriage or domestic partnership.

The provisions of this procedure shall not be interpreted in such a manner as to deny qualified persons the right to application, examination, and consideration for employment under competitive conditions based on merit and fitness for a position within the District.

A relative or domestic partner of an employee shall not be assigned if any of the following conditions exist:

1. One of the persons would have authority, discretionary power, or influence regarding the working conditions, work assignments, discipline, retention, promotion or change of status of the other person.

2. Both persons would be employed under the same immediate supervisor.

Persons who are relatives or domestic partners of an employee may be employed if all of the following conditions are met:

1. The individual has successfully competed in a competitive selection procedure under the auspices of the policies regarding the hiring of employees and is eligible for appointment; and

2. A like or comparable assignment in another department of the District cannot be offered to the individual; and

3. The individual is determined to be the best candidate for the job based on merit by the college President, Chancellor, or Director of Human Resources; and

4. The Director of Human Resources has confirmed that the process followed makes the individual to be appointed to be in the best interest of the District.

When the appointment of a relative is made under the aforementioned exceptions the following action shall be taken:

1. As soon as a vacancy occurs in a class of either the newly hired employee or the previously hired employee, whichever employee is in that class shall be notified of the opportunity to be voluntarily transferred or reassigned to the vacancy. Such employee shall be allowed up to five (5) working days to decide whether he/she will accept the transfer or reassignment to the vacancy. If the employee should refuse voluntary transfer or reassignment to the vacancy and that employee was regularly employed in the District for a shorter period of time than the related employee, the employee with the least seniority shall be transferred or reassigned in accordance with the provisions of the appropriate collective bargaining agreement.

   The employee to be transferred or reassigned shall be provided a written notification of the transfer or reassignment at least one week prior to the effective date of the transfer or reassignment. The employee's supervisor shall personally meet with the employee and discuss the reason for the transfer or reassignment at least one week prior to the effective date of the transfer or reassignment.

2. The employee to be transferred or reassigned under the provisions of item 1 above can be either the subordinate or supervisor of a co-worker in the same or different position classification.

If like or comparable employment in the District does not exist for either of the assignments, both employees shall remain in effect so long as their employment continues to be in the best interest of the District.

Board approved: 5/20/03