

All Personnel

BP 4112.8 (a)
4212.8 (a)
4312.8 (a)

EMPLOYMENT OF RELATIVES

The Board of Trustees desires to maximize staff and community confidence in District hiring, promotion, and other employment decisions by promoting practices that are free of conflicts of interest or the appearance of impropriety.

(cf. 4030 - Nondiscrimination in Employment)
(cf. 9270 - Conflict of Interest)

The Board prohibits the appointment of any person to a position for which his/her relative maintains management, supervisory, evaluation, or promotion responsibilities and prohibits an employee from participating in any decision that singularly applies to any of his/her relatives.

(cf. 4111/4211/4311 - Recruitment and Selection)
(cf. 4115 - Evaluation/Accountability)
(cf. 4215 - Evaluation/Supervision)
(cf. 4315 - Evaluation/Accountability)

For purposes of this policy, *relative* includes the individual's spouse, domestic partner, parents, grandparents, great-grandparents, children, stepchildren, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse or domestic partner.

In addition, the Superintendent or designee may determine, on a case-by-case basis, whether to appoint a person to a position in the same department or facility as an employee with whom he/she maintains a personal relationship when that relationship has the potential to create (1) an adverse impact on supervision, safety, security, or morale of other district employees or (2) a conflict of interest for the individuals involved which is greater because of their relationship than it would be for another person or (3) access to confidential and privileged information concerning a close relative, the matter shall be brought to the attention of the Superintendent, and the Superintendent or designee shall take steps to ensure the confidentiality of the information, including, but not limited to assigning another employee the responsibility of reviewing the confidential and privileged information.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

An employee shall notify his/her supervisor within 30 days of any change in his/her circumstances that may constitute a violation of this policy.

EMPLOYMENT OF RELATIVES (continued)

In order to preclude situations which could bring about a conflict of interest for members of the administrative staff, an employee shall not be appointed to a position where a member of his/her immediate family maintains supervisory or evaluative responsibilities for the position. When persons in a supervisory relationship become related by marriage, supervisory responsibilities will be changed or an employee transfer will be arranged.

The Superintendent or designee shall report to the Board on an annual basis the names, positions and work locations of close relatives employed at the same department or work location. The Superintendent or designee shall certify to the Board that the work assignments of close relatives working in the same department or location does not interfere with the orderly supervision, security or morale of the school, department, or work location.

The Board, its Members, and the Superintendent shall also comply with the conflict of interest provisions contained in Government Code § 1090 et seq., and § 8100 et seq.

Legal Reference:

EDUCATION CODE

35107 School district employees

FAMILY CODE

297-297.5 Rights, protections, benefits under the law; registered domestic partners

GOVERNMENT CODE

1090-1098 Prohibitions applicable to specified officers

12940 Unlawful employment practices

81000 et seq. Political Reform Act

CODE OF REGULATIONS, TITLE 2

7292.0-7292.6 Marital status discrimination, especially:

7292.5 Employee selection

Policy

adopted: June 14, 1999

revised: June 25, 2007

revised: October 12, 2016

CAPISTRANO UNIFIED SCHOOL DISTRICT

San Juan Capistrano, California