

NEPOTISM/EMPLOYMENT AND ASSIGNMENT OF RELATIVES

IT IS THE POLICY OF THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, (THE "SCHOOL BOARD") THAT AN APPLICANT FOR ANY POSITION WITHIN THE SCHOOL DISTRICT OF BROWARD COUNTY, (THE "SCHOOL DISTRICT"), AND ANY EMPLOYEE OF THE SCHOOL DISTRICT SEEKING PROMOTION OR TRANSFER, SHALL BE CONSIDERED SOLELY ON THE BASIS OF RESPECTIVE QUALIFICATIONS FOR SUCH A POSITION AND COMPLIANCE WITHIN THE DISTRICT'S PERSONNEL GUIDELINES AND PURSUANT TO THE RULES OF THIS POLICY REGARDLESS OF WHETHER THE APPLICANT OR EMPLOYEE IS OR IS NOT RELATED BY BLOOD OR MARRIAGE TO ANY MEMBER OF THE SCHOOL BOARD OR TO ANY EMPLOYEE OF THE SCHOOL DISTRICT.

IT IS THE INTENT OF THIS POLICY TO AVOID ANY SITUATION OR OCCURRENCE THAT CREATES OR GIVES THE APPEARANCE OF A CONFLICT OF INTEREST EITHER ON THE PART OF A SCHOOL BOARD MEMBER OR AN EMPLOYEE OF THE SCHOOL DISTRICT. THE PURPOSE OF THIS POLICY IS TO PROVIDE GUIDELINES TO MAINTAIN AN EQUITABLE WORK ENVIRONMENT AND TO PREVENT AND ADDRESS CONFLICT OF INTEREST SITUATIONS OF ACTIVE OR POTENTIAL EMPLOYEES RELATING TO EMPLOYMENT, JOB ASSIGNMENT, PROMOTION, SUPERVISION, AND EVALUATION OF EMPLOYEES.

1. DEFINITIONS

- a. The terms "related" or "relative" shall refer to father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandfather, grandmother, grandchild, court-appointed legal guardian, ward of employee, or domestic partner or any persons who reside at the same residence as the School Board member or School District employee.
- b. The term "directly supervise" shall relate to those situations in which a School Board member or School District employee is directly responsible for another full-time, part-time or temporary employee's appointment, employment, promotion, demotion, job assignments, overtime/ payroll authorization or job performance evaluation.
- c. The term "work location" shall refer to the assigned work location in which an employee is required to supervise a relative or be supervised by a relative. Work location is defined as any school, department or administrative site under the direct supervision of a School Board member or School District employee.

2. RULES

- a. A School Board member or School District employee shall not advance, advocate for or participate in any personnel action, including recommendation for appointment, employment, promotion, demotion, advancement or evaluation concerning an applicant or employee to whom s/he is related or a relative.
- b. A School Board member or School District employee shall not directly supervise or be directly supervised by an employee to whom that person is related or a relative. If a person is hired into or transferred into a position in which s/he will directly supervise or be directly supervised by a relative, s/he shall notify the Division of Human Resources in writing within three business days of the occurrence.

NEPOTISM/EMPLOYMENT AND ASSIGNMENT OF RELATIVES

- c. A School Board member or School District employee shall not recommend, advance or advocate to anyone, independent contracts between the School Board and a relative or a business entity in which a relative holds direct or indirect ownership of more than 5 percent of the total assets or capital stock. This Policy does not change the School Board member's voting conflict duties under Section 112.3143, Fla.Stat.
- d. Whenever an employee is promoted or transferred to a position that would result in a violation of this Policy, the conflict shall be resolved by transferring one of the related employees to another comparable position. The Superintendent or designee shall select the employee to be transferred in compliance with the applicable collective bargaining agreement, if any. The employee must meet all established certifications and qualifications for the position to which transferred.
- e. Whenever two employees enter into a relationship as defined in this Policy as "related" or "relative" or a living arrangement that would create a violation of this Policy, the affected employee (supervisor) must notify the Division of Human Resources in writing within three business days. The conflict shall be resolved by transferring one of the related employees to another comparable position. The Superintendent or designee shall select the employee to be transferred in compliance with the applicable collective bargaining agreement, if any. The employee must meet all established certifications and qualifications for the position to which transferred.
- f. This Policy applies to all personnel assignments (full-time, part-time and temporary) including substitute assignments.
- g. This Policy shall be complied with prior to making employment recommendations or decisions, including hiring, assignments, transfers, promotions, and demotions.
- h. In the event of a conflict between a provision of this Policy and the terms of any applicable collective bargaining agreement, the latter shall prevail.

3. RESPONSIBILITY AND COMPLIANCE

- a. The Division of Human Resources is responsible for ensuring that all new employees are informed of this Policy at the time of hire.
- b. Any supervisor in violation of this Policy must disclose to the Superintendent or his/her designee and the Division of Human Resources in writing. Failure to provide notification within three business days is grounds for disciplinary action, up to and including dismissal.
- c. The applicant/employee is responsible and accountable for providing accurate and complete information regarding the identity of his/her relatives employed by the School District on disclosure forms/statements required for employment, assignment, transfer or promotion.
- d. Administrators/supervisors will be responsible for abiding by this Policy, ensuring that employees within their jurisdiction are aware of the provisions of this Policy, and reporting any conflicts within three business days in writing to the Division of Human Resources.

AUTHORITY: Fla. Stat. §§ 1001.41, 1001.42, 1001.43, 1012.23

LAWS IMPLEMENTED: Fla. Stat. §§ 112.312, 112.3143, 1012.22, 1012.23

POLICY ADOPTED: June 7 , 2011