

All Personnel

NEPOTISM: EMPLOYMENT OF RELATIVES

The following regulations shall govern conflict of interest in the employment of staff:

1. Governing Board Members. No spouse of dependent of a Board member shall enter into employment with the district except as provided below:
 - a. Minor Children and Dependents. A Board member shall not be deemed to be financially interested in a contract between the Board and the Board member's minor child or dependent as long as the Board member's interest in the contract is disclosed to the Board, noted in the minutes of the Board, and thereafter, the Board authorizes, approves, or ratifies the contract by a sufficient vote for appointment without counting the vote of the related Board member. The Board member shall abstain from voting on the contract and shall not attempt to influence other members of the Board to approve the contract.
 - b. Spouse. A Board member shall not be deemed to be interested in a contract between the Board member's spouse and the district, provided that the Board member's spouse has been employed by the district for at least one year prior to the Board member's selection or appointment. No spouse of a Board member shall be hired for the first time nor promoted to a new position during the Board members term of office.
 - c. Other Relatives. A Board member shall not be deemed to be interested in a contract between persons related by blood or marriage, other than a minor child, dependent or spouse.
 - d. Rule of Necessity. The minor child, dependent, or spouse of a Board member may be hired by the district if the rule of necessity exemption applies. The rule of necessity exemption applies if the sole source of supply of an essential service to the district is by a minor child, dependent, or spouse, and only the Board may act to obtain this essential service. The rule of necessity exemption also applies, and a minor child, dependent, or spouse may be appointed, if without such an appointment the Board cannot carry out its essential duties and if the Board is the only entity which may legally act to carry out these essential duties. This exemption shall be narrowly applied.

EMPLOYMENT OF RELATIVES (continued)

2. Administrative and Supervisory Staff. No spouse or dependent of a member of the administrative or supervisory staff shall be appointed to a position that is in a line relationship to the administrative or supervisory staff member and which involves supervision and evaluation of the position by the administrative or supervisory staff member.
3. Employment of Members of the Same Family. Members of the same family may be employed in the same department or at the same work location unless one member of the family would have supervisory responsibility for the other or would have access to confidential information concerning the work performance of others within the department or work location. If such conditions apply, the Superintendent or the Superintendent's designated representative, after consideration of the situation, may approve the hiring.

Legal Reference:

GOVERNMENT CODE

12940 *Unlawful employment practices, exceptions*