

ODNR NEPOTISM POLICY - PROCEDURE

Effective:	June 27, 2011
Purpose:	To establish a statewide policy to ensure that hiring and supervision in state government is conducted in a manner which enhances public confidence in government and prevents situations which give the appearance of partiality, preferential treatment, improper influence, or a conflict of interest.
Authority:	<u>ORC 124.09</u> OAC 123:1-45-01 DAS Directive HR-D-02
Reference:	ODNR Ethics Policy Nepotism Form (ADM 4173)
Resource:	Office of Human Resources

POLICY

It is the policy of the Department of Natural Resources that employees will not use their authority or influence of his/her position to secure the authorization of employment or benefit (including a promotion or preferential treatment) for a person closely related by blood, marriage, or other significant relationship, including business associates. This includes, but is not limited to, the following circumstances:

A. HIRING

1. Except as provided in Section C no public official or employee serving as a Department Director, Assistant Director, Deputy Director, or any person of equivalent rank shall have in the employ of his/her department any person closely related by blood, marriage, or other significant relationship, including business association.
2. Except as provided in Section C, no human resource administrator, chief of human resources or person of equivalent rank shall have in the employ of that person's department any person closely related by blood, marriage or other significant relationship including business association.
3. No employee in the personnel area shall process any personnel actions or use the authority of influence of that employee's position to secure the employment of a person closely related by blood, marriage or other significant relationship, including business association.

B. SUPERVISION

1. Except as provided in Section C, no public official or employee shall supervise, any person closely related by blood, marriage, or other significant relationship, including business association.

2. Should a supervisory conflict arise, the department shall work expeditiously to relocate or transfer one of the individuals to eliminate the conflict to the extent permitted by law and/or collective bargaining agreement. This relocation or transfer should be to a comparable position with minimal inconvenience for the transferring employee.
3. No employee in the personnel area shall review or be involved in the disciplinary actions of a person closely related by blood, marriage or other significant relationship, including business association.

C. EXCEPTIONS

1. Sections A and B shall not apply to those circumstances in which:
 1. A marital or other significant relationship develops subsequent to both the public official and/or employee's employment with the department. (In this instance, the department should make reasonable attempts to avoid a supervisory conflict).
 2. The public official or employee is employed by the department prior to the appointment of a person closely related by blood, marriage or significant relationship to the position of Director, Assistant Director, Deputy Director or personnel employee (e.g., a husband is employed at the agency and his wife is offered the appointment of Deputy Director. Neither the husband nor the wife must leave the agency. Although the department should make reasonable attempts to assure that the wife does not directly supervise her husband).
 3. A person closely related by blood, marriage or significant relationship obtains employment with the same department as the result of bumping, displacement, recall or some other non-discretionary personnel action.
 4. The public official or employee served in a capacity other than Director, Assistant Director, Deputy Director or personnel employee at the time the person closely related by blood, marriage or significant relationship was hired by the department (e.g., a sister and brother are both employed by a department and the sister achieves a promotion to the personnel area of the department. A conflict does not exist provided the sister does not process any personnel actions for her brother).
 5. The public official or employee is employed in the personnel section of a division or office, and a person closely related by blood or marriage is hired by the personnel section of another division or office.
 6. A person closely related by blood or marriage or has other significant relationship including business association with the Assistant Director, Deputy Director or any person of equivalent rank other than the Human Resource Administrator is not prohibited from working in the same department as long as the Assistant Director, Deputy Director or any person of equivalent rank does not participate in the hiring of the employee and has no direct line of supervision.

D. DEFINITIONS

1. "Public official or employee" means any person who is elected or appointed to an office or is an employee of any public agency under the jurisdiction and control of the Governor or his appointees. Public employee includes part-time interns, paid student help, temporary, intermittent and seasonal employees.

2. "Closely related by blood or marriage" is defined to include, but is not limited to a spouse, children (whether dependent or independent), parents, grandparents, siblings, aunts, uncles, in-laws, step-children, step-parents, step-grandparents, step-siblings, step-aunts, step-uncles, and other persons related by blood or marriage who reside in the same household.
3. "Significant relationship" means person's living together as a spousal or family unit when not legally married or related where the nature of the relationship may impair the objectivity or independence of judgment of one individual working with the other.
4. "Business associates" are defined as parties who are joined together in a relationship for business purposes or acting together to pursue a common business purpose or enterprise.
5. "Supervision" means the ability or power to effectively recommend the hire, transfer, suspension, layoff, recall, promotion, discharge, assignment, reward, discipline or settlement of disciplinary grievances/appeals of other public employees, including the authority of a board or committee to order personnel actions affecting the job.

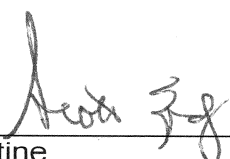

PROCEDURES

The Office of Human Resources of ODNR is responsible for requesting nepotism information and accurately documenting any information received by the applicant/transferring employee. The checklist includes nepotism information, as well as other information which must be verified with every new hire or transfer.

Every personnel action form for a new hire, promotion or transfer posted must include a representation that all items contained in the pre-hire review form were verified by either checking the box immediately above the appointing authority's signature on the forms or typing in a statement in the Remarks Section. Administrative Services will not process any personnel action for a new hire, promotion or transfer which does not include this representation.

ENFORCEMENT

The Office of Human Resources is responsible for ensuring ODNR is in adherence with the Nepotism Policy. Any violations of the criminal or ethics laws should be reported to the immediate supervisor, Division/Office Human Resources Representative, DNR Office of Human Resources, or the Office of Chief Legal Counsel in the Governor's office, as outlined in the Governor's Procedures for Responding to Illegal Activity. Any violations of the Ethics laws may also be reported to the Ohio Ethics Commission.

Office of the Director:	<input checked="" type="checkbox"/> Approve	<input type="checkbox"/> Disapprove
 _____ David Mustine	 _____ Date	