

RESOLUTION NO. _____

**RESOLUTION OF THE HUMBOLDT COUNTY BOARD OF SUPERVISORS ADOPTING
A COUNTYWIDE POLICY REGARDING ANTI-NEPOTISM & NON-FRATERNIZATION**

WHEREAS, the Board of Supervisors of the County of Humboldt (County) is authorized by the provisions of Section 25300 of the Government Code of the State of California to provide for the number, compensation, tenure, appointment and conditions of employment of County employees; and

WHEREAS, the Board of Supervisors wishes to adopt detailed policies regarding nepotism and fraternization.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Board of Supervisors adopts the Anti-Nepotism & Non-Fraternization Policy (“Policy”) attached hereto as Exhibit A.
2. The Policy shall become effective upon Board approval of this resolution.
3. The Human Resources Director, in conjunction with the County Administrative Officer and County Counsel is authorized to make style and format changes to the Policy.
4. The provisions of the existing Humboldt County Salary Resolution (Resolution 82-170 as amended) are hereby superseded as detailed in the Policy.

Dated: January 14, 2020

Estelle Fennel, Chair of the Board
Humboldt County Board of Supervisors

Adopted on motion by Supervisor, Seconded by Supervisor, and the following vote:

AYES:

NAYS:

ABSENT:


ABSTAIN:

STATE OF CALIFORNIA)

County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.
KATHY HAYES Clerk of the Board of Supervisors of the County of Humboldt, State of California.

POLICY NUMBER: HR2020-001	POLICY TITLE: Anti-Nepotism & Non-Fraternization	
RESOLUTION NUMBER:		
ORIGINAL ISSUE DATE: 1/14/2020 REVISION DATE:	POLICY CONTACTS: Human Resources	
RELATED DOCUMENTS: Merit System Rules	RELATED POLICIES: This policy shall supersede section 11 of the Humboldt County Salary Resolution (Resolution 82-170 as amended) and all department level policies with the exclusion of the nepotism provisions of Sheriff Department’s Policy 947.	

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SECTION I – PURPOSE

The County of Humboldt is committed to a policy of employment and advancement based on qualifications and merit and does not discriminate in favor of or in opposition to the employment of relatives. The county permits hiring of individuals of the same family or those who have a personal relationship. However, hiring employees within the same division or program normally is not advised for individuals of the same family or for those who have a personal relationship. The county is committed to fostering a professional work environment where all employees are treated fairly and impartially by their supervisors. Personal relationships can cause problems in the workplace, such as a lack of objectivity toward a subordinate's job performance, the perception of favoritism by other employees (whether justified or not), and potential sexual harassment or discrimination complaints once relationships end.

SECTION II – APPLICABILITY

This policy applies to all County of Humboldt candidates for employment and employees. For the purposes of this policy “Employee” as defined below includes appointed and elected officials.

SECTION III – DEFINITIONS

Employee: Officers, deputies, assistants and all other persons employed by the County of Humboldt including permanent, probationary, part-time and extra help employees.

Immediate Family: An Employee's spouse (or ex-spouse), domestic partner, parent, child, stepparent, grandparent, grandchild, brother, sister, foster child, stepchild, or other child relative for whom care is being provided by an Employee, mother-in-law, father-in-law, brother-in-law, or sister-in-law.

Intimate Relationship: A sexual, dating and/or romantic relationship.

Relationship: Includes, but is not limited to, members of one's Immediate Family, members of the same household, or persons with whom the Employee has an Intimate Relationship. The potential for conflict of interest may also exist in close personal relationships involving other than family relationships and such situations will be examined on a case-by-case basis.

Supervisor: An Employee having the direct or indirect authority to influence decisions related to the hire, transfer, lay-off, promotion, reward, evaluation, discipline, assign work to and direct other Employees, or to adjust their grievances, or to effectively recommend such action if the exercise of such authority requires independent judgment.

SECTION IV – POLICY

A. Supervisors and Relationships

1. No Supervisor may directly or indirectly influence salary, promotion, performance appraisals, work assignments or other working conditions for an Employee with whom a Relationship exists.
2. Employees are not allowed to work in a position, which would result in that Employee directly, or indirectly supervising or reporting to an individual with whom they have a Relationship.
3. Supervisors are prohibited from having intimate relationships with Employees who report to them or over whom they have direct or indirect authority to influence decisions.
4. No Employee may directly or indirectly initiate or participate in decisions involving a direct benefit, e.g., initial hire or rehire, promotion, salary, performance appraisals, work assignments or other working conditions to those persons with whom the employee has a Relationship.
5. No Employee shall fail to report any rule violation regarding another Employee with whom they have a Relationship.

B. Interpretation

1. To avoid a conflict of interest or an appearance of conflict of interest, the definition of “Relationship” should be interpreted broadly. In considering whether a Relationship falls within this policy, all Employees are urged to disclose the facts if there is any doubt rather than fail to disclose in cases where a Relationship exists or existed in the past.

SECTION V – PROCEDURE

A. Application of the Policy

1. Employees are required to immediately notify the Department Head and the

Director of Human Resources of a Relationship that violates this policy.

2. Should a situation exist that is prohibited by this policy, either Employee may request a transfer by submitting an application for any open position in order to comply with this policy. Such changes must be approved by the Director of Human Resources and the applicable department head(s).
3. The county reserves the right not to transfer an Employee based on business considerations. If a transfer is not approved within 14 days of reporting, or if neither Employee requests a transfer, the situation will be directed to the Director of Human Resources for appropriate action.
4. All Employees are responsible for ensuring policy compliance.
5. Department Heads are responsible for monitoring changes in Employee reporting relationships after initial hire to ensure compliance with this policy.
6. No exceptions to this policy will be made without the written consent of the Director of Human Resources, or designee.

B. Investigations and Penalties:

1. All Employees must cooperate with any investigation into possible violations of this policy. Violations may include, but are not limited to:
 - a. Failing to report, or actively concealing, a Relationship that falls within this policy;
 - b. Retaliating against another Employee who has made a report under this policy.
2. No Employee will be subjected to any form of retaliation for reporting pursuant to this policy or participating in an investigation by the county or its representatives into allegations of violations of this policy.
3. Violations of this policy may lead to discipline in accordance with Humboldt County Merit System Rule X.
4. Questions concerning the application of this policy to an Employee or applicant should be directed to the Human Resources Director, or designee.

Board Approved:

Pursuant to Board Order _____ Dated _____