

ATTACHMENT 5

§ 3.05.070 ANTI-NEPOTISM POLICY.

A. Because of the potential for creating adverse impacts on supervision, safety, security or morale, members of an immediate family shall not be employed in the direct line of supervision of one another.

B. If at the time of the adoption of this policy, an employee has an immediate family member also employed by the City, this Section shall not be applicable to that employee based on that existing familial relationship.

C. This policy shall not be applicable to any person whose immediate family member is elected to the City Council, if such person, at the time of such election, is currently employed by the City.

D. Employees who become subject to this policy after appointment, but who are not otherwise exempted, pursuant to Subsection B., shall have the opportunity to transfer subject to the provisions of the Civil Service Rules, relating to transfers. In the event no transfer is available, one of the employees shall resign and such resignation shall be effective within a reasonable time period, not to exceed thirty (30) calendar days, after notification of the decision of transfer unavailability. The decision regarding who shall resign may be made by the affected employees. If no decision is made within thirty (30) calendar days:

1. The employee with the most recent appointment, transfer or promotion which resulted in the application of the policy shall be deemed to have resigned; or

2. If the reason the policy applies is other than an appointment, promotion or transfer, the employee with the least cumulative seniority shall be deemed to have resigned.

E. For the purpose of this Section, IMMEDIATE FAMILY shall be defined as the following relationships whether established by blood, marriage or other legal actions:

1. Parents, grandparents, step-parents, step-grandparents, brothers, sisters, half-brothers, half-sisters, step-brothers, step-sisters, children, children's spouse(s), grandchildren, step-children, step-grandchildren.

2. Spouse and spouse's parents, grandparents, brothers, sisters, half-brothers, half-sisters, step-brothers, step-sisters, step-parents, step-grandparents, step-grandchildren.

F. For the purpose of this Section, DIRECT LINE OF SUPERVISION shall be defined as any regularly assigned employment relationship wherein an employee holds a position with any control or authority over an immediate family member of that employee. A City Council member shall be deemed to hold a position of control and authority over every City employee. A member of a City Commission, Board or Committee shall be deemed to hold a position of control and authority over every City employee who is regularly assigned as staff support to that member's Commission, Board or Committee.

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G. When it is determined an employee is affected by this policy, the employee may appeal such determination to the Civil Service Commission for a final administrative adjudication of the matter; provided that the Civil Service Commission, in its discretion, may use the services of a hearing officer and not hold evidentiary hearings itself; and provided further that, if the employee to whom the Policy has been determined to apply is an immediate family member of any member of the Civil Service Commission that Commission member shall abstain from voting on the appeal.

H. The administrative procedures contained in this policy shall constitute an employee's exclusive administrative remedy. An employee may not file a grievance or other form of complaint for any determination, decision or action taken under this policy, except as provided in Subsection G. herein.