

RESOLUTION #144 - 02/23/11

ADOPTING AN ANTI-NEPOTISM POLICY – LEGISLATURE

BY: Mr. Butler

WHEREAS, an audit of Clinton County's Codes of Ethics and Procedures conducted by the New York State Comptroller's Office in 2010 resulted in a recommendation that Clinton County consider adopting provisions that relate to the hiring and supervising of relatives; and

WHEREAS, as a result of this recommendation, the Legislative Office drafted an Anti-Nepotism Policy that was reviewed and approved by the Personnel Director and County Attorney; and

WHEREAS, the Anti-Nepotism Policy is as follows:

***Employment of Related Persons  
(Anti-Nepotism Policy)***

**1. INTRODUCTION**

*The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism (or the perception of such), and negatively impact morale. Decisions concerning the employment, evaluation, promotion and compensation of personnel should be based on considerations of individual merit. It is Clinton County's policy to hire, promote and transfer employees based on individual merit.*

**2. DEFINITIONS**

*Family Member: employee's spouse or ex-spouse, children, step-children, parents, step-parents, siblings, grandparents, step-grandparents, grandchildren, step-grandchildren, and like relations of the employee's spouse.*

*Nepotism: the practice of giving preferential treatment to family members in areas of employment, including but not limited to: hiring, promotion, transfer, compensation, evaluation and discipline.*

**3. POLICY**

- 3.1 *Family Members shall not directly supervise another Family Member, and shall not be directly supervised by a Family Member.*
- 3.2 *No employee shall be involved in any part of the process of influencing or controlling the terms and conditions of another Family Member's employment, including: hiring, evaluation of work performance, establishing or changing work assignments, making recommendations for compensation or salary adjustments, promotions or other personnel decisions.*
- 3.3 *County employees conducting interviews for the purpose of hiring a new employee shall inquire of all interviewees or applicants whether the individual has a Family Member that is already employed by the County, along with the name of the Family Member employee. This information shall be utilized to determine if hiring the prospective employee would result in a violation of this Policy.*

#### **4. EXCEPTIONS**

- 4.1 Any pre-existing family relationships between employees of any County Department that predate this Policy shall be exempt under this Policy. However, if the existing employment relationship is changed so that this conflict no longer exists (i.e. the employee Family Member is in a position that no longer directly reports to another employee Family Member), this Policy would apply in future employment decisions affecting employee Family Members (i.e. the Family Member Supervisor could no longer reemploy the relative in a directly subordinate position).
- 4.2 The County recognizes that employee Family Member conflicts might arise when one Family Member gains an elected office where another Family Member already is employed. In such cases, the County may work with such Department where the conflict exists to reduce any real or perceived conflict between the employee Family Members (i.e. have the subordinate Family Member report directly to the employee in the next level of the supervisory chain, who shall be responsible for appointment, compensation, evaluations and other terms and conditions of employment).
- 4.3 An appointing authority within a Department (typically the Department Head) may appoint a Family Member within the Department the appointing authority oversees only if the appointing authority did not participate in the hiring process, including interviews and will not directly supervise the Family Member employee.
- 4.4 This Policy shall not apply to elected Clinton County Legislators.

#### **5. GENERAL**

*The requirements set forth in this Policy may only be overturned on a case-by-case basis by majority vote of the Clinton County Legislature upon a finding that there would be no adverse impact on the operation of the County and/or that the greater interests of the County would be furthered by not following the Policy.*

#### **6. REPORTING**

*Any violations arising from the application of this Policy should be referred to the Personnel Director or County Administrator for resolution.*

now, therefore,

BE IT RESOLVED, upon recommendation of the Finance Committee, at its meeting of February 15, 2011, the Clinton County Legislature hereby authorizes adoption of the aforementioned Anti-Nepotism Policy; and

BE IT FURTHER RESOLVED, that the Anti-Nepotism Policy shall be effective immediately and distributed to all current and future Clinton County employees.

SECONDED BY: Mr. Defayette  
ADOPTED

"Yes" 7  
"No" 0  
Absent 3 (Messrs. McManus, Sears, Mrs. Walker)

STATE OF NEW YORK)  
COUNTY OF CLINTON) SS:  
LEGISLATIVE CHAMBERS)

I HEREBY CERTIFY that the foregoing is a true copy of a resolution acted upon by the County Legislature in Regular Session on February 23, 2011.

A quorum being present, and a majority voting therefore.

(SEAL)

*Michael E. Zurlo*

Michael E. Zurlo  
Clerk of the Legislature