

STATE OF UTAH HEALTH DEPARTMENT	Number: 08.01	Page: 1 of 2
	Original Issue Date: 3/7/11	Revision Date: 8/22/11
POLICIES & PROCEDURES	Authorized By: W. David Patton	
Section: HUMAN RESOURCES	Subject: EMPLOYMENT OF RELATIVES	

A. PURPOSE:

To provide guidance on the State of Utah's Nepotism Act, which makes it unlawful to appoint, supervise, or make salary or performance recommendations for a relative and to define the Department of Health's policy regarding the employment/hiring of relatives of employees of the Department. This policy does not affect current approved reporting relationships.

B. GUIDELINES:

1. The Department believes in selecting employees on the basis of qualifications and adheres to the Nepotism Act. This policy is in compliance with Utah Code 52-3-1 and DHRM Rule R477-2-8.
2. This policy applies to all career service, temporary, and career service exempt positions for new hires, rehires, transfers, promotions, reassignments and other movement whether the employee or applicant is internal or external.
3. The state's Nepotism Act states: "No public officer may employ, appoint, or vote for or recommend the appointment of a relative in or to any position or employment, when the salary, wages, pay, or compensation of the appointee will be paid from public funds and the appointee will be directly supervised by a relative . . ."
4. In compliance with the Nepotism Act and for the purpose of this policy, "relative" is defined as father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law, grandchildren, grandparents, spouse's grandparents, step-children, step-parents, step-grandparents, spouse's step-grandparents, step-sisters and step-brothers. In addition, the supervisor is responsible to report any supervisory relationship that may pose a conflict between employment and personal interests.
5. A relative cannot work in a position where a relative has direct supervision or direct supervision of the supervisor of the relative in the same organizational unit (i.e. division, bureau, program, office, etc.) as a relative who has a direct line of supervision within the work unit. A supervisory position is any position in which the incumbent may make, recommend, or influence hiring, compensation, or performance evaluation decisions.

6. Employment of Relatives forms will be kept in the employee's personnel file.
7. Supervisors shall not supervise individuals where there may be a conflict of interest, as defined in UCA 67-16 Utah Public Officers' and Employees' Ethics Act, including conflicts that arise from personal relationships.
8. Any applicant or employee who withholds or provides false information regarding personal relationships as defined in 4 above may be disciplined which may include termination. A supervisor who knowingly violates this policy is subject to disciplinary action.

C. PROCEDURES:

1. Any applicant for employment will be required to complete the Employment of Relatives form during the initial interview, or prior to appointment to a temporary or career service exempt position.
2. Current employees must complete the Employment of Relatives form if applying for a transfer or promotion within the Department.
3. Supervisors should follow the guidelines of this policy when making appropriate human resource actions.
4. If the information results in a disclosure of a relationship between employees/applicants as described above, written approval from the Executive Director or designee must be obtained prior to an employment offer.
5. When marriage causes a violation of this policy, the Executive Director or designee may transfer an employee to another work unit.
6. To request an exception:
 - a. A request for an exception along with justification must be sent to the Human Resources Office for review. The Human Resources Office will forward the request to the Executive Director or designee for approval with their recommendation.
 - b. A complete written disclosure of the relationship must be included in the request and will be placed in the employee's personnel file, if the exception is approved.
 - c. The employee who exercises authority over a relative may not evaluate the relative's job performance or recommend a salary increase for the relative.

D. EXCEPTION:

1. The Executive Director may grant an exception to this policy within the requirements of the Utah Code Title 52, Chapter 3, if the exception will benefit the Department or not cause an undue conflict of interest or,
2. Exceptions may be granted by the Executive Director or designee when the employee or applicant is the only available, qualified, or eligible individual for the position.

Employment of Relatives Form

Employee/Applicant Name	Date
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“Relative” is defined as father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law, grandchildren, grandparents, spouse’s grandparents, step-children, step-parents, step-grandparents, spouse’s step-grandparents, step-sisters, and step-brothers. In addition, the supervisor is responsible to report any supervisory relationship that may pose a conflict between employment and personal interests.

Please complete the following:

- I currently do not have any relatives, as defined above, working for the Utah Department of Health. I further realize I must declare such a relationship should it occur in the future.
- The following Utah Department of Health employees are related, as defined above, to me.
Circle those supervised.

Name	Relationship	Location

If you have any questions regarding this form, please refer to DHRM Rules R477-2-8, Disclosure by Public Officers Supervising a Relative, Utah Code 52-3-1, Prohibiting Employment of Relatives Act, or contact the Department of Health Human Resource Office.

Signature	Division	Date Signed
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