

DEPARTMENT OF NATURAL RESOURCES

Human Resources Policy No. 34

EFFECTIVE DATE: MAY 27, 2015

SUBJECT: NEPOTISM AND EMPLOYMENT OF RELATIVES

AUTHORIZATION: STEPHEN CHUSTZ, SECRETARY

I. POLICY

The Department of Natural Resources (DNR) fully intends to comply with the nepotism prohibitions set forth within the Code of Governmental Ethics (La. R.S. 42:1101 et seq.). Doing so serves to ensure the hiring and progression of the best qualified individuals to satisfy the department's mission by minimizing the possibility of favoritism, conflicts of interest and the appearance of impropriety in processing employment actions.

II. PURPOSE

DNR employees are required each year to satisfactorily complete training on the Code of Governmental Ethics. This policy serves to supplement that training by identifying employment activities that are ethically impermissible. Employees should recognize that this policy establishes broader restrictions upon the hiring of relatives than that required by the Code of Governmental Ethics, and also limits the authority of supervisory personnel over subordinates to whom they are related.

III. APPLICABILITY

This policy applies to:

- 1) All DNR employees, regardless of status;
- 2) All appointments, including probationary, permanent, provisional, restricted, temporary, student, seasonal, classified and unclassified; and
- 3) All employment actions, including hirings, grantings of permanent status, pay increases, evaluations, performance adjustments, promotions, reallocations, reassignments, details to special duty, job benefits and job assignments.

IV. DEFINITIONS

- 1) Nepotism – Favoritism shown, patronage granted or preferential treatment in the employment relationship by a person in power towards an individual related by blood or marriage.

- 2) Immediate family member – As defined by law, children (blood, step, adopted), spouse, brother, sister, father, mother, sister-in-law, brother-in-law, daughter-in-law, son-in-law, mother-in-law and father-in-law.
- 3) Relative – As defined by this policy, the immediate family members defined above and also grandfather, grandmother, grandson, granddaughter, uncle, aunt, niece and nephew.
- 4) Agency – The office, division, section or other organizational unit within which an employee carries out his/her job responsibilities except, in the case of an Agency Head, the entirety of DNR.
- 5) Agency Head – The Secretary, Deputy Secretary, Undersecretary and Assistant Secretary of each office within DNR.
- 6) Management Official – Executive level administrators, directors and managers responsible for and exercising control over the operations and personnel of a division, section or other organizational unit within DNR.
- 7) Supervisory Official – Any supervisor who possesses direct line supervisory authority over a subordinate employee.

V. PROHIBITIONS

- 1) No immediate family member or relative of an Agency Head may be employed in any capacity by DNR.
- 2) No immediate family member or relative of a Management Official may be employed within the division, section or organizational unit over which the Management Official exercises control.
- 3) No immediate family member or relative of a Supervisory Official may be employed within the same division, section or organizational unit.
- 4) No Agency Head, Management Official or Supervisory Official may participate in or influence any employment decision which would cause an immediate family member or relative to be employed in any capacity within any office, division, section or organizational unit of DNR.
- 5) No Agency Head, Management Official or Supervisory Official may participate in or influence any employment action which would benefit or affect an immediate family member's or relative's status, rate of pay, classification, evaluation, performance adjustment, promotion, reallocation, reassignment, detail to special duty, job benefits or job assignments.

VI. EXCEPTIONS

- 1) Any person serving in public employment prior to April 1, 1980 whose employment now is in violation of the nepotism prohibitions within the Code of Governmental Ethics may continue in such employment since his/her employment relationship, at the time of hiring, was not violative of express law.
- 2) Any person employed by DNR whose employment is in violation of the "Prohibitions" section of this policy at the time of implementation may continue in such employment since this policy was not in effect at the time of hiring.
- 3) As provided by law, the nepotism prohibitions within the Code of Governmental Ethics shall not prohibit the continued employment of a public employee nor be construed to hinder, alter or in any way affect the normal advancement of such employee where the public employee's immediate family member becomes an Agency Head, provided such employee has been an employee of DNR for at least one year.
- 4) Under no circumstance can anyone authorize an exception to the nepotism prohibitions set forth within the Code of Governmental Ethics. However, the Secretary, in consultation with the appointing authority and Human Resources Director, has the discretion to authorize the hiring of an applicant or advancement of an existing employee under circumstances which otherwise trigger the concerns of this policy. Any exception will be after competitive process, fully documented and justified based upon the applicant's/employee's possession of superior skills, education, training or experience necessary to fill an existing vacancy or need within DNR.
- 5) Should a supervisor-subordinate relationship between immediate family members or relatives exist which necessarily would be prohibited by this policy at the time of implementation, the working relationship and conditions under which the relationship was created must be reported to the Human Resources Director within seven days of the effective date of this policy.
- 6) Should a proposed employment action (promotion, demotion, reallocation, reassignment, detail or other advancement) for an existing employee create a supervisor-subordinate relationship between immediate family members or relatives which necessarily would be prohibited by this policy, such proposed action must be reported to the Human Resources Director and approved by the Secretary, in consultation with the employee's appointing authority, prior to the action being taken.
- 7) In those instances wherein a proposed employment action necessarily would be a violation of this policy, yet an exception is granted, a

delegation of authority or supervisory responsibility will generally be required to preclude the Agency Head, Management Official or Supervisory Official from making or influencing employment decisions regarding the affected employee.

VII. RESPONSIBILITY

The Code of Governmental Ethics sets forth sanctions, including disciplinary action and monetary penalties, for any willful violation of the prohibition against nepotism. These sanctions can be imposed against Agency Heads, Management Officials, Supervisory Officials and subordinate employees. To protect against violations, the following requirements must be satisfied:

- 1) Applicant: Must disclose during the application process on the Supplemental Questionnaire any relationship by blood or marriage, regardless of degree, to any existing DNR employee(s).
- 2) Employee: Must complete a Relatives Disclosure Form initially upon hiring and thereafter disclose throughout employment any new family relationship or organizational change which creates a supervisor/subordinate relationship between immediate family members or relatives, with any such occurrence to be reported to the Human Resources Director.
- 3) Agency Head/Management Official/Supervisory Official: Must review, during the preliminary selection process, all Supplemental Questionnaires to determine whether any qualifying applicants are related to an existing DNR employee. Additionally, must disclose any new family relationship or proposed organizational change which creates a supervisor/subordinate relationship between immediate family members or relatives. These occurrences must be reported to the Human Resources Director and reviewed by the Secretary, in consultation with the proper appointing authority, prior to commencement of the interview process or implementation of the proposed organizational change.

VIII. MISCELLANEOUS

- 1) As required by law, nothing within this policy shall interfere with the right of an employee to displace another employee as a result of a layoff authorized by the Civil Service Rules.
- 2) As required by law, nothing within this policy will be construed to prohibit the reemployment of a retiree whose employment was allowed under this policy on the date of retirement.

- 3) An organizational change or restructuring of supervisory authority may be required in the event a marriage between existing employees creates a violation of this policy.
- 4) Although unmarried, DNR employees residing together may create a working relationship prohibited by the spirit and intent of this policy. Such a relationship must be reported if a violation exists. In that event, restructuring of the existing supervisory chain of command may be required.

IX. VIOLATIONS

The Board of Ethics has jurisdiction over any violation of the Code of Governmental Ethics. Any violations of La. R.S. 42:1101 et seq. must be reported to the Board of Ethics. DNR will honor and give effect to any Order issued by the Board of Ethics upon conclusion of the investigatory process.

Additionally, DNR will impose corrective action, as warranted, for any violation of the prohibitions within this policy not otherwise violative of state law. Any such corrective action will be taken in accordance with the procedures required by the Civil Service Rules.

Generally, to avoid the perpetuation of any violation of express law or this policy, the employment action which creates the prohibited working relationship will be rescinded and the employee reassigned to another organizational unit where practicable.

X. QUESTIONS

Questions regarding the interpretation, application or enforcement of this policy should be addressed to the Human Resources Division.



STEPHEN CHUSTZ, SECRETARY
 5/27/15

DATE

INITIAL ISSUE DATE: 02/14

REVISION DATE: 05/15

DEPARTMENT OF NATURAL RESOURCES

RELATIVES DISCLOSURE FORM

In accordance with DNR's policy prohibiting nepotism - employment of relatives, all applicants for employment are required to disclose family relationships to existing DNR employees. This disclosure is necessary to preclude a violation of the Code of Governmental Ethics and avoid a supervisor-subordinate relationship between immediate family members and relatives which creates a conflict of interest or the appearance of impropriety.

_____ To the best of my knowledge, I am not related to anyone employed by DNR.

_____ To the best of my knowledge, I am related to the following current employee(s) of DNR.

<u>NAME</u>	<u>RELATIONSHIP</u>	<u>DIVISION/SECTION</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I CERTIFY that the foregoing disclosure is true and correct to the best of my knowledge, information and belief, and understand that any knowing or intentional failure to disclose a family relationship existing upon my employment with DNR or occurring during my employment with DNR may result in disciplinary action, including the possibility of termination.

Signature

Print Name

Date