



**City of Albany
Administrative Policy**

Employee Relations
Policy #: HR-ER-03-001
Title: Employment of Relatives/Intimate Partners

Human Resources

Purpose

It has long been the practice of the City to prohibit the employment of family members in circumstances where one family member would be in a position of direct supervisory authority over another. This policy existed to discourage favoritism and to promote confidentiality, impartiality, and fairness. These values are of equal importance when applied to nontraditional models of “the family.” As a consequence, it is the purpose of this policy to promote fairness for all employees and to provide greater certainty concerning those types of relationships which cannot reasonably be accommodated within the workplace.


This policy also recognizes that individual departments are likely to have more or less flexibility in accommodating family or intimate partner relationships. The Police Department, for example, may have less flexibility than the larger, and more occupationally diverse, Public Works Department. It is a purpose of this policy to encourage flexibility among the departments so that a “one-size-fits-all” approach is not required. Each department is expected to identify those working relationships where direct or indirect supervision of relatives or intimate partners shall be prohibited or restricted.

Finally, the limitations imposed by this policy apply exclusively to management members and not to employees covered by collective bargaining agreements. Candidates for promotion to management status will not be barred from consideration if they are presently employed by the City and if the relationship in question predates the implementation of this policy. Further, to the extent that this policy may affect a relationship between two managers, the onus will always be upon the higher ranking manager in the department who, in the judgment of the City, is in the best position to recognize the risks of the relationship and who, thus, has the greater responsibility to demonstrate compliance with this policy.

Policy

It is the policy of the City to prohibit the employment of relatives or intimate partners where one member of the relationship would be in a position of direct supervisory authority over the other member. It shall further be the policy of the City to restrict and limit the employment of a manager/supervisor in circumstances where the manager/supervisor will have indirect supervisor authority over the other member.

- A. No person shall be promoted to or serve in a supervisory/management position wherein they would directly supervise a relative or intimate partner.
- B. The City shall have complete discretion to transfer, reassign, or otherwise alter the terms of employment of any manager/supervisor who indirectly supervises a family member or intimate partner. The goal of such

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employment actions shall be to reduce the incidences of indirect supervision or otherwise reduce the likelihood of favoritism or partiality. Because the incidences of indirect supervision are likely to increase if the manager/supervisor advances further within the department, the employment of a family member or intimate partner within the same department shall generally preclude further advancement for the more senior member in the relationship. Promotion will only be considered if the position is one which is identified in the department’s organizational table as one which has no indirect supervision over the subordinate member of the relationship.

- C. Any manager/supervisor who is related to or is an intimate partner with another City employee in their department, shall immediately notify her or his department director, in writing, of the relationship.
- D. Each City department shall develop and promulgate to all department members an organizational table which shall describe each position within the department and shall identify those positions which have direct or indirect supervisory authority over subordinate positions within the department. This organizational chart shall be updated from time to time at the direction of the department director. Any changes in the department organizational chart shall be promptly distributed to all department members.
- E. This policy shall not prohibit the promotion of a bargaining unit member to a management/supervisory position, notwithstanding the fact that the promotion might require the new manager/supervisor to have indirect supervisory authority over a relative or intimate partner. The newly promoted manager/supervisor, however, shall be subject to the limitations and special employment conditions set forth in Section 5B and 5C above.
- F. Failure of a manager/supervisor to promptly disclose the existence of a family relationship or intimate partnership as required herein or the failure to conduct one’s management/supervisory responsibilities free from favoritism, partiality, or bias shall be grounds for discipline of any manager/supervisor up to and including discharge.

Definitions

For purposes of this policy, the following special meanings shall apply:

- A. “Direct Supervision” or “Direct Supervisory Authority” exists when one person regularly supervises and directs the work of another or is authorized to exercise grievance adjustment authority or conduct performance reviews of the other.



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B. “Indirect Supervision” or “Indirect Supervisory Authority” exists when one may be called upon to exercise occasional, but infrequent, direct supervisory authority over another or when one may be called upon, by oneself or with others, to make decisions which will affect the working conditions of another. For example, indirect supervision includes, but is not limited to, any of the following activities:

- Approving overtime
- Approving requests for time off
- Resolving disputes
- Making work assignments
- Making training assignments
- Making promotional process decisions

C. “Relative” means the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, or stepchild of an individual subject to this policy.

D. “Intimate Partner” means a domestic partner or one with whom an employee has shared an intimate relationship within the preceding twelve (12) months.

References N/A

Review and Authorization

Supersedes: ERP 1.1.6; 6/28/2001	Created/Amended by/date: MBAH; 8/5/2004	Effective Date: 11/1/2004
HR Director:		City Manager:

1. Form or worksheet revision related to this document? No Yes

If yes, attach a copy of the revised form or worksheet.

2. Training required? No Yes