



# Monterey County

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## Board Report

Legistar File Number: RES 18-146

October 23, 2018

Introduced: 10/15/2018

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

Adopt a Resolution to:

- a. Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394, to delete Section B.15 Employment of Spouses or Relatives and its subsections as indicated in Attachment A; and
- b. Approve the Policy on Family and Romantic Relationships at Work.

### RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to:

- a. Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394, to delete Section B.15 Employment of Spouses or Relatives and its subsections as indicated in Attachment A; and
- b. Approve the Policy on Family and Romantic Relationships at Work.

### SUMMARY/DISCUSSION:

The County of Monterey is committed to maintaining a professional work environment free of conflicts of interest, nepotism and favoritism. It is important that employees maintain clear boundaries between family, personal and work relationships in the workplace. With over 5,000 employees, it is not surprising that members of the same family and people in romantic relationships may work for the County of Monterey. As such, the Human Resources Department has developed the Policy on Family and Romantic Relationships at Work (Attachment B).

The purpose of this policy is to establish that the direct supervision of a related person (as defined in the policy to include both relatives and romantic relationships) is not allowed and the indirect supervision of related persons may only be allowed if a management plan is in place to address potential conflicts of interest. The policy also explains when family and romantic relationships may cause problems or the appearance of problems related to nepotism, favoritism or conflicts of interest in the workplace and establishes standards and disclosure requirements to prevent these problems from occurring.

Employees will not be subject to the compliance section of the policy for sixty (60) days after Board of Supervisor approval to allow for education on the policy.

Approval of these actions will assist in maintaining a professional work environment free of conflicts of interest, nepotism and favoritism.

### OTHER AGENCY INVOLVEMENT:

The County Administrative Office and County Counsel have been involved in the creation of this policy. Employee groups have also been conferred through this process.

FINANCING:

Approval of the recommendations will not result in additional general fund contributions.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The recommended action addresses the Board of Supervisors' Administration Strategic Initiative and demonstrates the County's commitment to attract, recruit, and retain a diverse, highly skilled work force that supports the mission of Monterey County.

Mark a check to the related Board of Supervisors Strategic Initiatives:

- ☐ Economic Development
- ☒ Administration
- ☐ Health & Human Services
- ☐ Infrastructure
- ☐ Public Safety

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Approved by: Irma Ramirez-Bough, Director of Human Resources, 831-755-5043



Attachments: Attachment A - Deleted PPPR Section B.15 Employment of Spouses or Relatives  
Attachment B - Policy on Family and Romantic Relationships at Work  
Resolution

B.15 ~~EMPLOYMENT OF SPOUSES OR RELATIVES~~

B.15.1 ~~Elected Official—Spouse or Relatives~~

~~A County elected officer shall not employ his/her father, mother, brother, sister, spouse, or child, or the spouse of such relative within the department of such officer.~~

B.15.2 ~~Appointed Official—Spouse or Relatives~~

~~An appointed appointing authority may employ his/her father, mother, brother, sister, spouse or child or the spouse of such relative within his/her department only upon approval of the Board of Supervisors~~

~~If an appointing authority desires to employ such spouse or relative, he/she shall report that fact, together with the reasons therefore, to the County Administrative Officer, who shall make a recommendation to the Board. The Board shall thereupon determine whether such employment would be detrimental to the best interests of the County.~~

B.15.3 ~~Spouses or Relatives Within a Department~~

~~A Department Head may authorize the employment of the father, mother, sister, brother, spouse or child of another employee within the same department if s/he determines that such employment will not result in 1) a direct reporting relationship between the affected employees, 2) a conflict or the appearance of a conflict of interest, 3) questions of confidentiality, 4) incompatibility with the employee's assignment, or 5) unreasonable limitations on the Department Head's ability to assign staff and/or manage and structure the Department in the future.~~

B.15.4 ~~PREVIOUSLY DELETED~~

B.15.5 ~~No salary or other compensation shall be paid to any employee employed in violation of the provisions of this section. The Auditor-Controller is precluded from issuing a warrant for the services of such employee where he/she has personal knowledge of the fact of such relationship. However, upon recommendation of the County Administrative Officer, the Board of Supervisors may authorize payment of compensation earned by an individual as a result of an administrative or ministerial error by the appointing authority, County Administrative Officer, or Auditor-Controller.~~

B.15.6 ~~PREVIOUSLY DELETED~~

# County of Monterey Board Policy Manual

Policy Name	Policy Number	Page
PPPR- Policy on Family and Romantic Relationships at Work	P-155	1 of 4
Policy Category Personnel		

## I. Purpose

The County of Monterey is committed to maintaining a professional work environment free of conflicts of interest, nepotism, and favoritism. A workplace where employees maintain clear boundaries between family, personal, and work relationships leads to an environment that:

- Is fair, equitable, and safe;
- Promotes high employee morale; and
- Ensures trust in the County's employment and promotional system.

The purpose of this policy is to explain when family and romantic relationships may cause problems, or the appearance of problems, related to nepotism, favoritism, or conflicts of interest at work. This policy also establishes standards and disclosure requirements to prevent those problems from occurring.

Nepotism occurs when family members favor other family members in employment decisions. Nepotism does not align with the County's policy and practice of making employment decisions based solely on County needs, merit-based processes, and individual qualifications, skills, knowledge, abilities, and performance.

Romantic relationships between supervisors and subordinate employees may raise issues of conflict of interest, abuse of authority, or favoritism. These relationships also have the potential to adversely impact other employees. Moreover, the real or perceived power imbalance that may exist between a supervisor and a subordinate may raise questions about mutual consent.

People in both family and romantic relationships are referred to as "related persons" (defined in Section III below) solely for purposes of this policy.

## II. **Applicability**

This policy applies to all County officers, elected officials, employees {including Merit Systems permanent, exempt, temporary, full and part time}, interns, and volunteers. These individuals are referred to collectively as "employees" solely for purposes of this policy.

## III. **Definitions**

A) **Employment Decisions:** Refers to the full array of decisions and actions that involve County employees and their employment, including, but not limited to, hiring, supervision, promotions, compensation, work hours, leave approval, assignment of duties, performance evaluation, discipline, termination, and decisions involving other terms and conditions of employment such as those listed in Section IV.

B) **For the purposes of this policy, Related Person(s) means:**

- i. A family member, as defined by the California Family and Probate Codes, whether by blood, adoption, marriage, or domestic partnership, including:
  - Spouse;
  - Domestic partner;
  - Child;
  - Parent;
  - Grandparent/Grandchild;
  - Aunt/Uncle;
  - Sibling;
  - Cousin;
  - Niece/Nephew; and
  - Any corresponding in-law, step, or foster relation
- ii. Employees having a consensual sexual romantic or intimate relationship occurring within the last two years. This includes but is not limited to dating or marital engagement.
  - a. For the purposes of this policy, dating shall be defined as a stage of romantic relationships whereby two people meet socially with the aim of each assessing the other's suitability as a prospective partner in an intimate relationship or marriage.

C) **Direct Supervision:** One employee directing the work of another employee with decision making authority related to hiring, promotion and disciplinary action decisions; in addition to timesheet and leave request approval and performance evaluation responsibilities. This includes temporary and project-based assignments.

D) **Indirect Supervision:** One employee is responsible for the work of another employee through the organizational structure or chain of command. This includes temporary and project-based assignments.

#### **IV. Policy**

Employees are prohibited from directly supervising related persons.

Employees may not make, participate in making, or influence any employment decision involving a related person. This includes, but is not limited to:

- Hiring, promoting, transferring, or re-assignment;
- Serving on a hiring panel;
- Developing, administering, or rating a competitive exam;
- Initiating an administrative investigation or discipline;
- Assigning work;
- Preparing, conducting, or contributing information to a performance evaluation;
- Approving overtime or any other compensated time;
- Approving vacation, sick, or other leave time;
- Granting or denying permission to attend a conference or other work-related event; and
- Approving reimbursement for work-related expenses.

It is best practice that employees do not indirectly supervise related persons. Exceptions to this policy for indirect supervision may be made on a case by case basis as set forth in Reporting Procedure Section V.2 below.

All employees are prohibited from retaliating against anyone who reports a potential violation of this policy or anyone who has made a report under this policy.

Employee questions about this policy should be directed to the departmental personnel analyst or human resources manager.

#### **V. Reporting Procedure**

1. Direct supervision of related persons must be promptly reported by both employees to their departmental personnel analyst or human resources manager. The department human resources professional will notify the Department Head and/or Board of Supervisors if applicable. Since employees cannot directly supervise related persons, the departmental personnel analyst or human resources manager shall remove the conflict.
2. Indirect supervision of related persons must be promptly reported by both employees to their departmental personnel analyst or human resources manager to assess the implications for the workplace, and to ensure that employment decisions are made appropriately. The department human resources professional will notify the Department Head and/or Board of Supervisors if applicable.
3. Individuals who become related persons during County employment and while in a direct or indirect supervision situation must promptly disclose the relationship following the process set forth in the Reporting Procedure.

## **VI. Compliance Procedure**

1. If, for operational reasons, the departmental personnel analyst or human resources manager cannot remove the conflict, he or she shall formulate a management plan to address the indirect supervisory relationship. Management plans must be approved by the Department Head with final concurrence by the County Administrative Officer and/or designee.
2. At a minimum, all management plans must address reporting relationships, supervision, and evaluation to ensure a supervisor does not participate in employment decisions regarding a related person, as prohibited by this policy.
3. If a conflict exists within the County Administrative Office having related persons, the management plan will be referred to the Office of the County Counsel for processing.
4. A Department Head, prohibited under this policy from making, participating in, or influencing employment decisions involving related persons, shall delegate in writing the authority to make employment decisions regarding such related persons to another employee within the department.

## **VII. Investigation and Corrective Action**

All employees must cooperate with any investigation into possible violations of this policy. Violations may include, but are not limited to:

- Failing to report, or actively concealing, a relationship that falls within this policy;
- Failing to comply with policy; or
- Retaliating against another employee who has made a report under this policy.

Violations of this policy may lead to discipline, up to and including termination.

## **VIII. Review Date**

- a. This Policy will be reviewed for continuance by October 22, 2023.

## **IX. Board Action**

- a. Legistar File No. RES 18-146, October 23, 2023.



**Before the Board of Supervisors in and for the  
County of Monterey, State of California**

Resolution No.: \_\_\_\_\_ PPPR Control No. 18-013 )  
Adopt a Resolution to: \_\_\_\_\_ )  
a. Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394, to \_\_\_\_\_ )  
delete Section B.15 Employment of Spouses or Relatives and its subsections as \_\_\_\_\_ )  
indicated in Attachment A; and \_\_\_\_\_ )  
b. Approve the Policy on Family and Romantic Relationships at Work. \_\_\_\_\_ )

WHEREAS, The County of Monterey is committed to maintaining a professional work environment free of conflicts of interest, nepotism and favoritism; and

WHEREAS, the Human Resources Department has developed the Policy on Family and Romantic Relationships at Work which explains when family and romantic relationships may cause problems or the appearance of problems related to nepotism, favoritism or conflicts of interest in the workplace and establishes standards and disclosure requirements to prevent these problems from occurring; and

WHEREAS, with the approval of the Policy on Family and Romantic Relationships at Work, Section B.15 Employment of Spouses or Relatives and its subsections are no longer applicable and their deletion requires the PPPR to be amended;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors in and for the County of Monterey as follows:

1. The Personnel Policies and Practices Resolution (PPPR) No. 98-394 is amended to delete Section B.15 Employment of Spouses or Relatives and its subsections as indicated below;

*B.15 DELETED*

2. The Policy on Family and Romantic Relationships at Work is approved.

PASSED AND ADOPTED on this \_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote,  
to-wit:

AYES:

NOES:

ABSENT:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book \_\_\_\_ for the meeting on \_\_\_\_\_.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors,  
County of Monterey, State of California

By \_\_\_\_\_,  
Deputy