



**Administrative Regulations
No. 3B.13
Effective: November 1, 2012**

SUBJECT: NEPOTISM POLICY

PURPOSE: To Establish a Policy Addressing Nepotism

I. Policy

- A. The general policy of the City of Beverly Hills does not permit discrimination against employees or future employees on the basis of marital or familial status. However, the employment of relatives, can, in certain circumstances, create problems in the areas of supervision, safety, security or morale. These problems may involve, for example, undesirable results particularly with performance evaluations, disciplinary matters, and employee morale in the perception of real or imagined favoritism.
- B. City Councilmember, City Commissioner, City Manager, or Department Head having appointment powers shall not be directly or indirectly involved, or seek to influence or assist in the appointment of any relative of his/hers to any position within the City. Other management or executive employees shall not seek to influence the appointment of any relative of his/hers to any position within the City.
- C. This Policy applies to all full-time and part-time officers and employees of the City of Beverly Hills.
- D. If, on the date of the original adoption of this Policy, any employee has a relative also employed by the City, this Policy shall not be applicable to that employee with regard to the position held at that time. Job promotions or changes which are requested after the adoption date shall be granted only if they are consistent with the terms of this policy.

II. Definitions

For the purpose of this Policy, the following words shall have the following meaning:

- A. "Relative" is defined as the following relationship whether established by blood, marriage, adoption or other legal action:

1. Parents, grandparents, step-parents, step-grandparents, brothers, sisters, half-brothers, half-sisters, step-brothers, step-sisters, children, children's spouses, grandchildren.
 2. Spouse or Partner and spouse's or partner's parents, grandparents, brothers, step-sisters, step-parents, step-grandparents, step-children, step-children's spouses.
 3. Partner means an individual who (1) has formed a registered domestic partnership, as provided by and according to the requirements of state law, (2) has signed a declaration that is on file with the City certifying a domestic partnership, having been made on the basis and in the format provided by City policy.
- B. "Direct line of supervision" is defined as regularly assigned employment relationship where an employee holds a position with any responsibility or authority over a relative of that employee or the supervisor of the relative on any level. Where two employees work in the same division with one at the supervisory level and one at the subordinate level and where there is a second supervisor, who is not a Relative, regularly available and assigned to supervise the subordinate employee, an exception to this definition may be granted. These situations will be decided on a case by case basis by the Department Head and Human Resources. Such an exception is intended to address functional or day to day supervision. A supervisory employee is not to be involved in decisions or approvals involving pay, promotion or similar matters involving a subordinate Relative.
- C. "Least senior employee" is defined as an employee holding a position of lesser authority relative to a superior position.

III. Appointments, Promotions and Transfers

- A. The Human Resources Division shall be responsible at the time of application for determining whether or not the applicant is a relative of a current employee, as defined in this Policy. Departments will be notified at the time of certification of any known relative of applicants among employees within a specific department. It will also be the responsibility of the appointing authority to notify Human Resources of any known relative that may have not been listed on the City application form. Applicants will be required to disclose all of their relatives who are City employees at the time of completing application forms. Applicants may also be asked to list any relatives in response to additional inquiries. With regards to relative applicants who have been appointed and did not disclose being a relative of a current City employee, he or she may be

disqualified from the recruitment process and if appointed, may be subject to dismissal for falsification of records.

- B. An employment candidate or an existing employee may not be appointed, promoted, transferred, or assigned to a position which will cause him or her to be in the direct line of supervision with another employee who is a relative of that employee as defined in this Policy. An employee whose relative is currently in the direct line of supervision on the adoption date shall not be allowed to promote within that division or department. He or she may not transfer and/or be promoted to a position in another department if the promotion will continue the employee in the direct line of supervision and presents greater difficulties. He or she may transfer and/or be promoted to a position in another department or outside of the direct line of supervision.
- C. Nothing in this policy is intended to prohibit the temporary assignment of employees in emergency response situations even if that assignment will require relatives to temporarily work in the direct line of supervision. Whether such an assignment is made will depend on the circumstances involved, including, without limitation, the nature of the emergency, the specific employees, the circumstances and the professional judgment of emergency response personnel supervising the response to the emergency.

IV. Employment of Relatives Within the Same Division

The employment of relatives within the same division of a department may also be prohibited depending upon the circumstances, even if that employee is not in the direct or indirect line of supervision of a relative of that employee. Because this situation could cause the perception of conflict of interest, these situations will be decided on a case by case basis by the Department Head and Human Resources. For example, one person typically should not be employed in a position where that person would approve or process payroll for a spouse.

V. Accommodation for Employees Who Marry or Form a Partnership

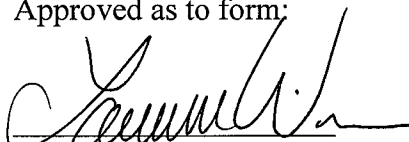
- A. When a City employee marries another City employee and/or establishes a relative relationship as defined above, that is regulated by this policy, the City shall make reasonable efforts to transfer one of the affected employees to another vacant City position for which the employee is qualified or assign job duties so that one employee is not placed: 1) in the direct line of supervision by a relative, 2) within the same division of a relative or 3) within the same department of a relative if that department doesn't have divisions. The City reserves the right to determine which employee will be the one to be transferred based on operational and other legally permissible considerations as determined by the City.

- B. Where such an accommodation cannot be made or where an accommodation would place an undue unacceptable hardship on the City, employees could remain in their positions but neither employee would be able to promote within that division or department if the promotion will continue an employee in the direct line of supervision and presents greater difficulties as long as the relative relationship exists. Typically, a promotion that increases separation between two employees, even when it continues the employees in the direct line of supervision, reduces the difficulties involved. However, these situations will be decided on a case by case basis by the Department Head and Human Resources.

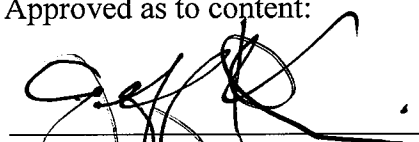
VI. Appeal Procedure

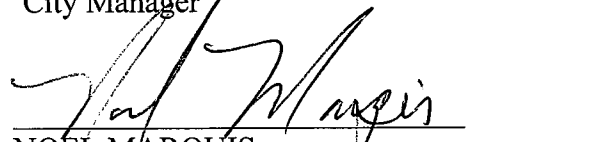
- A. If an applicant or an employee has been rejected by an Appointing Authority from a position based on this Policy, the applicant and/or employee shall have the right to appeal orally or in writing to the Assistant Director of Administrative Services/ Human Resources (or his/her designated representative) within 10 working days of the rejection notification. Human Resources will review the rejection and make a decision on the appeal. Such decision shall be in writing.
- B. If the Assistant Director of Administrative Services/Human Resources denies the appeal, the applicant and/or employee have the right to appeal to the City Manager (or his/her designated representative) within 10 working days of notification of rejection from appeal. The City Manager (or his/her designated representative) shall review the appeal and make a decision in writing. The decision of the City Manager (or his/her designated representative) shall be final and binding.


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