

Nepotism and Conflicting Relationships

1050.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between Members of this Department. These employment practices include, but are not limited to, all of the following: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline, workplace safety, and security.

1050.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department Member's annual interest, compensation, investment or obligation is \$500 or more.

Conflict of interest - Any actual, perceived, or potential conflict of interest in which it reasonably appears that a Department Member's action, inaction or decisions are or may be influenced by the Member's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - A Member's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - A Member who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - A Member who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate Member.

1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department shall not prohibit all personal or business relationships between Members. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940(a)):

1. Members are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other Member who is a relative or with whom they are involved in a personal or business relationship.

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- (a) If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved Member to an uninvolved supervisor.
 - (b) When personnel and circumstances permit, the Department shall attempt to make every reasonable effort to avoid placing Members in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any Member to another position within the same classification in order to avoid conflicts with any provision of this policy.
2. Members are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting a Member who is a relative or with whom they are involved in a personal or business relationship.
3. Whenever possible, FTOs and other trainers shall not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any Member they are assigned to train until such time as the training has been successfully completed and the Member is off probation.
4. To avoid actual or perceived conflicts of interest, Members of this Department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
5. Except as required in the performance of official duties or, in the case of immediate relatives, Members shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

1050.2.1 MEMBER RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the Member knows or reasonably should know could create a conflict of interest or other violation of this policy, the Member shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any Member is placed in circumstances that would require the Member to take enforcement action or provide official information or services to any relative or individual with whom the Member is involved in a personal or business relationship, the Member shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the Member shall promptly notify dispatch to have another uninvolved Member either relieve the involved Member or minimally remain present to witness the action.

1050.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Sheriff of such actual or potential violations through the chain of command.

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1050.2.3 EXCEPTIONS

Exceptions to this policy may be based on the nature of assignment and job classifications.

Exceptions to this policy may be granted only by the approval of the Sheriff-Coroner.