TOWN OF PLYMOUTH

POLICY: NEPOTISM POLICY

BOS/97/01/11/R02

1.0 PURPOSE

To establish an employment policy to ensure that municipal employees' private relationships do not conflict with their public obligation to act objectively and with integrity. It is the Town's objective to prevent a municipal employee from becoming involved in a situation, which could result in a conflict or give the appearance of a conflict. The Town seeks to provide equal employment opportunity to all applicants for employment.

2.0 POLICY GUIDELINES

2.1 MUNICIPAL EMPLOYEE

An individual is considered a "municipal employee" if he holds any office, position, employment or membership in any municipal agency, board or committee. It does not matter whether he is elected or appointment, full or part-time, paid or unpaid.

2.2 FAMILY MEMBER

Municipal employees' family members encompasses the following: Spouse, Children(including Step-Children), daughter-in-law, son-in-law, Parents(including Step-Parents), mother-in-law, father-in-law, Siblings(Including Step-Siblings), sister-in-law, brother-in-law, aunt, uncle, niece, nephew, first cousin.

2.3 POLICY

2.31 No person will be hired in a Division where a family member works nor may a municipal employee be transferred or promoted to a position in a Division where a family member works.

2.32 No family member of persons holding the position of Department Head may work for the Town in that respective Department.

2.33 If two employees in the same division become family members after the effective date of this policy, one of the employees must vacate their position within ninety (90) days of becoming family members. If the tow employees cannot agree as to whom shall vacate their position, then the employee with, the least seniority in the department shall vacate the position.

2.34 Paragraph 2.31, 2.32 and 2.33 of Section 2 of this policy shall not apply to the Police Department or Fire Department which are subject to the Civil Service Laws

2.35 This policy, consistent with section 19, the nepotism section, of 268A, prohibits municipal employees from taking any official action which will affect the financial interests of a family member. It also prohibits a municipal employee from participating in any way in the hiring, promotion, supervision, performance review, or salary recommendation of a family member. Thus, a municipal employee may not interview or create a test for applicants for a job for which a family member has applied, partake in the reappointment, reclassification, demotion or firing of a family member, or approve an automatic increase in salary such as a step increase.

An exemption exists for appointed municipal employees who are faced with a potential nepotism conflict. A municipal employee facing a potential nepotism conflict must let his/her appointing authority know about the situation in writing. The appointing official may then decide whether to allow the person to participate or to have someone else handle the matter. In making this decision, the appointing official must determine whether the municipal employee's interest is not so substantial as to be deemed likely to affect the integrity of the services the Town may expect from him. Any determination to allow a municipal official to deal with a family member must be in writing and a copy is made available for public inspection the Town Clerk's office.

This exemption is not available to elected officials. Thus, they must always abstain from participating in a matter involving a family member.

3.0 APPLICABILITY

This policy shall apply prospectively only. Thus, no municipal employee shall be removed from a position he held prior to the effective date of this policy.

3.1 This policy shall not apply to seasonal staff.

4.0 QUESTIONS

If you have a question about your own activities or the activities of others in the Town, you should seek advice from the Human Resources Director or the Town Manager prior to acting. Questions also may be addressed to the State Ethics Commission "Attorney of the Day" whose telephone number if (617) 371-9500.