

Human Resources Branch Memorandum

| | |
|---|---|
| SUBJECT: 2018 Anti-Nepotism Policy | NUMBER: HRB 18-007 |
| | DATE ISSUED: August 10, 2018 |
| DISTRIBUTION: All CDFW Employees | EXPIRES: n/a |

Action Required Informational Only Control Agency Directive

Purpose

The purpose of this memorandum is to inform all employees of the California Department of Fish and Wildlife (CDFW) Anti-Nepotism policy. All CDFW employees are required to review the policy and submit Anti-Nepotism Policy Acknowledgement and Self-Reporting Form (DFW 1024) to their immediate supervisor **within 30 days** of receiving this policy.

Authorities

[California Department of Human Resources \(CalHR\) Manual Section 1204 Nepotism](#)

Government Code Section 12940 (a)(3)(A)

California Code of Regulations Title 2, section 11057

California Constitution Article VII, Government Code section 18500

Policy

Nepotism is prohibited at CDFW. Nepotism is favoritism by those with power or influence to appoint, employ, promote, advance, or advocate for relatives or persons with whom they have a personal relationship in an employment setting. Nepotism is antithetical to a merit-based personnel system, and CDFW is committed to the state policy of recruiting, hiring and assigning employees on the basis of merit.

Nepotism may exist when personal relationships give rise to the perception of favoritism, bias, or partiality to persons with whom they have a personal relationship; it may also exist when those relationships give rise to the perception of inequity or partiality to other employees. Nepotism may exist when one employee may be perceived to affect another employee's work assignments, job duties, performance reviews, or promotional opportunities, or where the relationship may impact the integrity, morale, operational functioning, safety, or security of the workplace. As such, two employees with a personal relationship may not have a reporting relationship within the direct chain of command, nor may they sign or approve the other's expense advances or reimbursements.

Other situations may also constitute nepotism, including two employees with a personal relationship within the same chain of command (although not direct) or within the same division or office. Furthermore, employees of CDFW may not attempt to exert any influence over CDFW personnel matters involving relatives or

persons with whom they have a personal relationship as defined herein. This prohibition shall apply to matters involving hiring, promotion, discipline, performance reviews, time approval, and any other personnel action.

Personal Relationships Defined

Personal relationship means any relationship so personal that other CDFW employees may reasonably perceive that one of the employees may be motivated to treat the other one more favorably than other employees. That includes, but is not limited to, any familial relationship established by blood, adoption, marriage, or registered domestic partnership. For the purposes of this policy, personal relationships are not limited to familial relationships but also include employees who reside together or have other close personal bonds.

Implementation and Documentation

Prospective Hires, Promotions, and Transfers - All prospective hires, prior to employment and during the interview process, including transfers and reinstatements, must complete, sign, and submit to their hiring supervisor an Anti-Nepotism Policy Acknowledgement and Self-Reporting Form (DFW 1024). The prospective hire must certify whether they have a personal relationship with a current CDFW employee or not. Administrative clearance to hire will not be granted without an approved form DFW 1024. The hiring supervisor will promptly submit a prospective hire's completed form to the Chief, Human Resources Branch (HRB).

If the prospective hire does not have personal relationships with any current CDFW employees, then the hiring supervisor will promptly move forward through the normal hiring process. If a prospective hire discloses a personal relationship on form DFW 1024, the hiring supervisor must immediately notify the HRB Chief. The HRB Chief will prepare a recommendation for the Director's approval with respect to whether the relationship will violate the Policy. Whenever the Director approves the HRB Chief's recommendation that a personal relationship of a prospective employee will violate this Policy, CDFW will refuse to hire, reinstate, or transfer that prospective employee. If a previously undisclosed personal relationship involving a prospective hire is discovered, management may take remedial action to ensure compliance with this Policy. A failure to disclose a personal relationship may result in disciplinary action up to and including dismissal.

Current CDFW Employees - In implementing this Policy, current employees are required to complete and sign form DFW 1024 annually and provide it to their immediate supervisor. Employees must also immediately complete, sign, and submit to their immediate supervisor a new form DFW 1024 any time circumstances in their personal lives change (such as new or different personal relationships) in a way that could violate this Policy.

Upon receipt of an employee's form DFW 1024, a supervisor will promptly submit the completed form to the HRB for inclusion in the employee's Official Personnel File (OPF). When an employee submits a form DFW 1024 to a supervisor disclosing a personal relationship, or when a supervisor learns through other means of a

relationship that may violate this policy, that supervisor must immediately notify their chain of command. The Branch Chief or Regional Manager will promptly report this information to the HRB Chief. If information regarding an employee's personal status is reported to the HRB Chief, he/she will discuss the information with the affected employee(s) and determine whether or not the relationship violates the policy. If the relationship violates the Policy, the HRB Chief will provide a recommendation to the Director for approval. If the HRB Chief determines there is no violation, he/she will notify the Branch Chief or Regional Manager who reported the relationship.

Whenever the HRB Chief makes a recommendation that personal relationships of employees violate the Policy, and the Director approves that recommendation, management will work with the parties and take actions to remediate noncompliance, which may include involuntary transfer of employees, in accordance with applicable state employment laws and collective bargaining agreements. Director review and approval is not required if HRB Chief determines there is no violation of Policy.

Guidelines for Managers and Supervisors

Managers and supervisors are required to report known familial or personal relationships that may violate the Anti-Nepotism Policy to their chain of command, who will then inform the HRB Chief. Working relationships are to be arranged in a manner that prevents nepotism and the perception of nepotism in all business functions. All hiring, promotions, compensation, and any other employee decisions shall be based on the merit of the employees' qualifications, knowledge, abilities, and performance.

Managers and supervisors that have familial or personal relationships with an employee(s) are prohibited from engaging in activities that may result in a perceived favoritism by those with power or influence to appoint, employ, promote, advance, or advocate for relatives or persons with whom they have a personal relationship in an employment setting. These activities may include, but are not limited to:

- Preparing, reviewing or approving performance evaluations, merit salary adjustments, adverse actions and/or grievance responses;
- Making discretionary appointments (i.e. lateral transfers or T&D assignments);
- Granting special privileges or influencing the appointment, promotion, work assignments, discipline or corrective action of the other;
- Working in each other's chain-of-command (any level of supervisory authority over one another. For example, personal relationship between an employee and his/her second line supervisor/Branch Chief is prohibited);
- Participating in the development or administration of an examination;
- Participating on an interview panel or influencing the hiring or interview process; or
- Performing tasks where separation of duties is required and independence of judgement may be compromised.

Evaluation and Determination

When a personal relationship is disclosed on the DFW 1024, the HRB Chief will:

- Review the reported relationship, organizational chart(s), and any other related documents to determine if there is an Anti-Nepotism Policy violation;
- Make a recommendation to the Director regarding appropriate resolution if there is a violation up to and including:
 - Change in Duties;
 - Change in Reporting Structure;
 - Geographical Relocation; and/or
 - Involuntary Transfer;
- Work with the affected employees and program area(s) to remediate non-compliance within 90 days of receipt of the DFW 1024; and
- Document findings and provide a written response to the affected employees.

Complaint Process

Alleged violations of this policy should be reported to the HRB. To file a nepotism complaint, represented and nonrepresented employees shall initiate the complaint process by reporting the complaint to HRB's Labor Relations Officer.

Form

1. [Anti-Nepotism Policy Acknowledgement and Self-Reporting Form \(DFW 1024\)](#)

Contacts

If you have any further questions, please contact the Anti-Nepotism Coordinator, Leo Lam, at 916-651-7803 or Leo.Lam@Wildlife.ca.gov.