

## **DKAC Nepotism 2021**

### **Definitions**

As used in this policy:

“appointee” means an employee whose salary, wages, pay, or compensation is paid from public funds;

“relative” means father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law;

“household member” means a person who resides in the same residence.

[Utah Code § 52-3-1\(1\)\(c\), \(d\) \(2018\)](#)

### **Prohibited Appointment**

No Board member or employee of the District may employ, appoint, or vote for or recommend the appointment of a relative or household member in or to any position or employment when the appointee will be directly supervised by a relative or household member, unless

1. The appointee will be compensated from funds designated for vocational training; and
2. The appointee will be employed for a period of 12 weeks or less; or
3. The appointee is a volunteer as defined by the District; or
4. The Superintendent determines that appointee is the only or best person available, qualified or eligible for the position.

[Utah Code § 52-3-1\(2\)\(a\) \(2018\)](#)

### **Prohibited Supervision**

No District employee may directly supervise an appointee who is a relative or household member of the employee unless:

1. The appointee is the only person available, qualified or eligible for the position; and
2. The appointee will be compensated from funds designated for vocational training; and
3. The appointee will be employed for a period of 12 weeks or less; or
4. The appointee was appointed or employed before the District employee assumed his or her supervisory position, if the appointee's appointment was not unlawful at the time of the appointee's appointment; or
5. The appointee is a volunteer as defined by the District;

or

6. The Superintendent determines that the employee is the only individual available or best qualified to perform supervisory functions for the appointee.

When a District employee supervises a relative or household member, the employee shall make a complete written disclosure of the employee's relationship with the relative or household member in a sworn statement provided to the Board of Education. The District employee may not evaluate the relative's job performance or recommend salary increases for the relative.

[Utah Code § 52-3-1\(2\)\(b\), \(c\) \(2018\)](#)

[Utah Code § 67-16-7\(2\)\(b\) \(2018\)](#)

### **Acceptance of Employment**

No appointee may accept or retain employment in the District if the appointee is under the direct supervision of a relative or household member, unless:

1. The appointee will be compensated from funds designated for vocational training;  
and
2. The appointee will be employed for a period of 12 weeks or less;  
or
3. The appointee is a volunteer as defined by the District;  
or
4. The relative or household member was appointed or employed before the appointee assumed the appointee's position, if the appointment of the relative or household member was not unlawful at the time of the appointment;  
and
5. The appointee is the only person available, qualified or eligible for the position;  
or
6. The Superintendent determines that the appointee's relative or household member is the only individual available or qualified to supervise the appointee.

[Utah Code § 52-3-1\(3\) \(2018\)](#)

### **Federal Funds**

The rules against nepotism apply to employees paid with public funds regardless of the source of those funds, including employees paid with funds from a federal grant.

### **Limited Exception for Towns**

Within a town, as defined by [Utah Code § 10-1-104](#), this policy on nepotism shall not apply to the employment of uncles, aunts, nephews, nieces or cousins.

[Utah Code § 52-3-4 \(1998\)](#)

### **General Exceptions**

This policy on nepotism shall not apply to the employment of a relative if the following criteria are established:

1. the job opening has had reasonable public notice;  
and

2. the relative is the best qualified candidate for the position.

If an appointee is to be hired under this exception, the District shall make a written record of the proceedings in which it was established that the appointee met the criteria of this exception, which record shall include a written statement by the hiring officer certifying that the appointee satisfies the exception, all of which shall be retained in the personnel file of the appointee.

[Utah Code § 52-3-4 \(1998\)](#)