

Nepotism: Employment of Relatives

Fresno Unified is a place where diversity is valued and educational excellence and equity are expected.

It is the intent of the Governing Board to avoid any situation wherein there may arise a conflict of interest or other problems resulting from employment and assignment of relatives

"Close relative" is defined as: mother, father, grandmother, grandfather, child or grandchild of the employee or of the spouse/cohabitant of the employee, and the spouse, son-in-law, daughter-in-law, brother, sister, brother-in-law, or sister-in-law of the employee, or any cohabitant or person having a principal place of residence in the immediate household of the employee.

"Cohabitants" is defined as persons living together.

A governing Board member shall not be deemed to be financially interested in a contract between the Board and the Board member's minor child as long as the Board member's interest in the contract is disclosed to the Board, noted in the minutes of the Board, and thereafter, the Board authorizes, approves or ratifies the contract by a vote sufficient for the purpose. The Board member shall abstain from voting on the contract and shall not attempt to influence other members of the Board to approve the contract. (Government Code 1091)

A Board member shall not be deemed to be interested in a contract between the Board member's spouse and the district, provided the Board member's spouse has been employed by the district for at least one year prior to the Board member's selection or appointment. (Government Code 1091.5)

Close relatives of a Board member may be employed following disclosure of the relationship by the Board member in a public meeting and sufficient vote of appointment without counting the vote of the related Board member. This disclosure shall also be required when considering for employment, relatives of the Superintendent, Associate Superintendents, Chief Business and Financial Officer, Assistant Superintendents, or Fiscal Administrator.

No district officer or employee shall vote, make recommendations, or in any way participate in decisions about any personnel matter which may directly affect the selection, appointment, retention, tenure, compensation, promotion, termination, other employment status, or interest of a close relative.

Close relatives of an administrative staff member may be recommended for employment following disclosure of the relationship. They shall not be appointed to a position that is in a line relationship involving supervision and evaluation of the position unless that line relationship can be resolved by transfer of a person or unit from that line of authority.

A close relative of a Board member or administrative staff member may be employed on a competitive basis among persons who are eligible, as provided by law.

Close relatives may be employed at the same department or work location when, in the judgment of the Superintendent or designee, that relationship will not create a disruptive or hostile environment for

employees of that department. (Exception: Close relatives shall not be approved in direct or indirect line of supervision.)

Legal Reference:

EDUCATION CODE

35233 Prohibitions

GOVERNMENT CODE

1090-1097 Prohibitions applicable to specified officers

1125-1128 Incompatible activities

12940 Unlawful employment practices, exceptions

82028 Definitions "Gifts"

82030 Definitions "Income"

82033 Definitions "Interest in real property"

82034 Definitions "Investment"

87100 et seq. Conflicts of interest

87200 et seq. Disclosure

87300 et seq. Conflict of interest code

91000 et seq. Enforcement

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: June 25, 1992 Fresno, California

revised: August 24, 1995

revised: October 8, 1998

Admin reviewed: October 15, 2014