

POLICY NAME:	205.05: Supervision and Evaluation of Relatives
EFFECTIVE:	12-14-2016
SUPERSEDES:	
SOURCE:	<i>Code of Alabama</i> Section 16-60-111.4
CROSS REFERENCE:	

The Nepotism Statute (*Code of Alabama* Section 41-1-5) takes precedent over all Alabama Community College System Board policies regarding employment.

1. DEFINITIONS

- A. Employing Authority.** For the purposes of this policy, the Employing Authority refers to those responsible for employment in the Alabama Community College System and includes the following: the Chancellor of the Alabama Community College System; any member of the Board of Trustees; a President of an Alabama Community College System college; a System-level Director of any other Alabama Community College System agency, entity, or System office and Alabama Technology Network.
- B. Relative.** For the purposes of this policy, Relative includes any person related within the fourth degree of affinity or consanguinity to any job, position, or office of profit with the state or with any of its agencies.
- C. Conflict of Interest.** For the purposes of this policy, Conflict of Interest includes the following: a supervisor/subordinate relationship between two related persons within the same operating department or unit; an employing authority or a relative having or appearing to have influence over a relative's compensation, performance evaluation, or job security; an employing authority or a relative having an auditing or control relationship to a relative's job; a relative of an employing authority reporting directly to the Employing Authority of any Alabama Community College System office, agency, entity, or institution.

2. SUPERVISION

- A.** Within 15 calendar days of the employment of an individual by the Employing Authority of an Alabama Community College System office, agency, entity, or institution, regardless of placement on salary schedule, position, or compensation, and regardless of whether the employment is temporary or the result of a search process, the individual shall complete a Family Relationship Disclosure Form. Such form shall contain the name of the individual; the name of the Alabama Community College System office, agency, entity, or institution employing the individual; the position and/or title for which the individual is employed; salary schedule, rank, step, and the annual salary of the individual; and the date on which employment commences. Such form shall also contain a statement by the individual regarding whether or not the individual is a relative of any Alabama Community College System Employing Authority and shall identify such

Employing Authority and such relationship. Additionally, the Family Relationship Disclosure Form shall contain a statement by the individual regarding whether the individual is a relative of another employee of that same Alabama Community College System office, agency, entity, or institution and shall identify the other employee and such relationship.

- B. In a situation where an employee may marry, become a relative of, or otherwise establish a close personal relationship with an employing authority, such change of circumstances shall be disclosed in writing by the employee to the Human Resources Office of the affected Alabama Community College System office, entity, or organization within 15 calendar days. Upon receipt of such notice of change of circumstances, the affected Alabama Community College System office, agency, entity, or institution shall notify the division of Human Resources of the Alabama Community College System office. The division of Human Resources of the System office shall upon receipt of such disclosure form ensure that such hiring is in compliance with the *Code of Alabama* Section 41-1-5. The Chancellor of the Alabama Community College System will then inform the members of the Board of Trustees on a monthly basis.
- C. In the event election results, marriage, or other changes of circumstances require special consideration or accommodation under these policies, every effort should be made to abide by these policies in their present form. However, the Board of Trustees may adjust these policies when unusual circumstances result from election results, marriage, etc.
- D. In the event of the pre-existence of the employment of a relative of an employing authority, or in the event that a pre-existing employee becomes a relative of an employing authority or in the event that an employee is or becomes a relative of another employee at the same Alabama Community College System office, agency, entity, or institution, the employment relationship will be reviewed by outside legal counsel to determine whether or not a conflict of interest exists. In the event that outside legal counsel determines the existence of a conflict of interest, the employing authority will reassign, reorganize, or take other appropriate action to minimize or eliminate the conflict of interest.
- E. In the event of the pre-existence of the employment of a relative of an employing authority, or in the event that a pre-existing employee becomes a relative of an employing authority, such relative shall not be eligible for any extraordinary or unscheduled salary increases, extraordinary or unscheduled title changes, extraordinary or unscheduled promotions, or other extraordinary or unscheduled employment actions during the term of service of the employing authority. For the purposes of this Section E, employing authority includes the Chancellor of the Alabama Community College System, any member of the Board of Trustees, and the employing authority for that specific agency, entity, organization or college, but does not include Presidents of other colleges or System-level Directors of any other Alabama Community College System agency, entity, or organization.

3. **EVALUATION AND CORRECTIVE ACTION**

- A. In the event that a relative of an employing authority is or becomes employed by an Alabama Community College System office, entity, or organization, all annual and other evaluations (whether written or oral) of the performance of such relative shall be performed by a three-person committee consisting of the Director of Human Resources, the direct supervisor of the relative, and a third employee at the System office, entity or institution, to be appointed by the Chancellor. The third employee at the System office, entity, or institution shall be appointed by the Employing Authority of the Alabama Community College System office, agency, entity, or institution. However, if said Employing Authority has a personal vested interest, then the Chancellor shall appoint the third employee. None of the three members of the committee may be the Employing Authority of the Alabama Community College System office, agency, entity, or institution. The same committee shall be responsible for any corrective action to be administered to the relative. Copies of such evaluation shall be forwarded to the Office of the Chancellor.

- B. In the event that any other Conflict of Interest is identified, all annual and other evaluations (whether written or oral) of the performance of such relative shall be performed by a three-person committee appointed by the Employing Authority and consisting of the Director of Human Resources, the direct supervisor of the relative, and a third employee outside the line of authority in which the Conflict of Interest occurs. The same committee shall be responsible for any corrective action to be administered to the relative.