
Nepotism and Conflicting Relationships

1025.1 PURPOSE AND SCOPE

It is the policy of the Berkeley Police Department to avoid nepotism in its hiring and promotion actions and to ensure that merit is the basis for employee selection. When BPD employees are related, as specified below, such persons shall not have the same immediate supervisor or have supervisory relationships, except if approved in writing by the City Manager.

No individual shall be excluded from the competitive examination process by virtue of his or her relationship as described below.

No person shall be appointed, promoted, demoted, flexibly placed, or transferred to any position, whether exempt, permanent, provisional, acting, part-time, seasonal or temporary, in any division of any department of the City or to a department without divisions, where such person's near relative already holds a position which would create a supervisory relationship as described herein.

No employee shall interview, recommend or in any way be involved in the selection or disciplinary process of an employee's near relative.

1025.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Near Relative - An employee's spouse, parent, sibling, child, grandparent, aunt, uncle, niece, nephew, mother in law, father in law, sister in law, brother in law, son in law, daughter in law, stepparent, stepsibling, stepchild, grandchild, dependent or domestic partner or immediate family members of domestic partner.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Berkeley Police Department

Law Enforcement Services Manual

Nepotism and Conflicting Relationships

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1025.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
 - 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
 - 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed.
- (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
- (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

1025.2.1 EMPLOYEE RESPONSIBILITY

City employees shall submit the "Near Relative Notification" form to Human Resources within 30 days of becoming a near relative to another city employee, see COB Admin Regulation 2.12 for further.

Berkeley Police Department

Law Enforcement Services Manual

Nepotism and Conflicting Relationships

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninformed, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninformed, immediate supervisor. In the event that no uninformed supervisor is immediately available, the employee shall promptly notify dispatch to have another uninformed employee either relieve the involved employee or minimally remain present to witness the action.

1025.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

1025.3 EXCEPTIONS TO POLICY

The City Manager may authorize exceptions to this policy whenever the City Manager determines that the best interests of the City so require. If an exception is granted, it shall be in writing and a copy placed in the employees personnel file.