Nepotism and Conflicting Relationships

1025.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

This policy applies to all employees of the department including sworn and professional staff, full and part-time staff. All employees of the University are also subject to other applicable policies, including but not limited to UC Irvine §Sec. 700-16: Policy on Conflicts of Interest Created By Consensual Relationships and PPSM-21 Selection and Recruitment (discussing “Near Relative” Policy). This policy is not intended to supersede those policies or any applicable collective bargaining agreement but rather is intended to be consistent with University policy.

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.

Relative - An employee’s parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

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

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 and the employee is off probation.

(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.

(f) Employees who are in a training and/or probationary status are strongly discouraged from attending off-duty social events with other members of the Police Department. Employees who have a personal relationship may not work on the same shift or overlapping shift; however, they may work overtime on the same shift, and work special details together.

(g) This policy does not prohibit the Department from assigning employees, regardless of personal relationship, to a shift or assignment to meet the operational needs of the department as designated by the Chief of Police or their designee. However, every attempt will be made to limit such designation to operational needs.
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(h) Personal relationships between a supervisor and a subordinate may lead to actual or potential problems of supervision, favoritism, morale, misunderstandings, safety, conflicts of interest, or claims of discrimination, including sexual harassment. Hence, supervisors and subordinate employees are prohibited from engaging in personal relationships where there is direct or indirect supervision.

1025.2.1 EMPLOYEE RESPONSIBILITY
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 uninvolved, 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 uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1025.2.2 DUTY TO NOTIFY
It shall be a member’s responsibility who enters into a personal relationship to notify the Chief of Police or the Assistant Chief within 24 hours if entering into that relationship would cause that member to violate any portion of this policy (i.e. begin a dating relationship when assigned to the same shift, etc.)

Once the Chief of Police becomes aware of the relationship between Department members, appropriate action will be taken, in consultation with HR, to eliminate any actual or potential conflict of interest.

1025.2.3 ENFORCEMENT
The Department reserves that right to investigate whether breaches of this policy are occurring or have occurred, and to take appropriate corrective action against one or both of the parties involved in what is determined to be conduct in breach of this policy.

For reports of conflicts of interest created by consensual relationships, the Department will forward the report to the UCI Sexual Harassment/Title IX Officer (SHO) in OEOD. The UCI Sexual Harassment/Title IX Officer (SHO) is the designated resource for resolution of complaints under UC Irvine Sec. §700-16: Policy on Conflicts of Interest Created By Consensual Relationships and complaints will be processed using the procedures for sexual harassment complaints. Reports of violations of the Near Relative Policy should be referred to Human Resources.

1025.2.4 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.
1025.2.5 POLICY EXCLUSIONS
The Chief or their designee is empowered to review and, where appropriate, authorize exceptions to this policy.