

## **Nepotism Policy**



**Effective Date:** 11/14/2023

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### **POLICY SCOPE:**

The Town of Stow adheres strictly to Massachusetts General Laws including Ch. 268A to regulate, restrict or prohibit the employment of relatives when it may have a detrimental effect on supervision and employee morale, and when it is necessary for proper and efficient operation and delivery of municipal services. This policy will follow, at a minimum, the standards as set forth in the laws of the Commonwealth of Massachusetts under Massachusetts General Laws Chapter 268A, which includes the appearance of a conflict under the law.

### **APPLICABILITY:**

This policy applies to all full-time, part-time, seasonal, per diem, and call employees of the Town of Stow. Employees governed by a collective bargaining agreement are subject only to those provisions of this policy not specifically regulated by law or collective bargaining agreement.

### **DEFINITION:**

**Municipal employee** - a person performing services for or holding an office, position, employment, or membership in a municipal agency, whether by election, appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, intermittent, or consultant basis.

**Immediate family** - the employee and their spouse, their parents, children or step-children, brothers, and sisters.

**Participate** - participate in agency action or in a particular matter personally and substantially as a municipal employee, through approval, disapproval, decision, recommendation, the rendering of advice, investigation or otherwise.

### **POLICY DESCRIPTION:**

Due to potential for perceived or actual conflicts, such as favoritism or personal conflicts from outside the work environment, which can be carried into the daily working relationship, the Town of Stow will hire relatives of persons currently employed only if the following conditions apply.

1. Candidates for employment will not be working directly for or supervising a relative.
2. Candidates for employment will not occupy a position in the same line of authority in which employees can initiate or participate in decisions involving a direct benefit to the relative.
3. No supervisor shall have hiring authority over a relative or shall make recommendations.

4. No supervisor may participate, in any way, in the decision of any matter which may directly affect the employment status, salary, or any financial action that may benefit or harm a relative. All employees shall exclude themselves from participation in personnel decisions in which a relative is involved.
5. No relative can participate in decisions regarding a relative including hiring, retention, transfer, promotion, wages, including overtime and special pay, leave requests and investigations.
6. No employee may make or influence a town or department business decision, including purchasing or other types of contracts which a family member may personally benefit.
7. No supervisor may approve or sign-off on payroll forms, reimbursement requests, equipment purchases, training authorizations, or job assignments for a relative.

The Town will avoid the hiring, transfer, or promotion of relatives of municipal employees in situations where the possibility of favoritism, a conflict, or the appearance of conflict of interest exists.

#### **PROCEDURE:**

When members of the same family are being considered for hire or transfer so that they will work in the same department as another family member, **written approval of the arrangement by the Town Administrator is required in advance.** The family members must notify their supervisor of this relationship before the hire or transfer.

The hiring supervisor is responsible for ensuring policy compliance. Department heads are responsible for monitoring changes in employee reporting relations after initial hire to ensure compliance with this policy. Employees are responsible for immediately reporting any changes to their supervisor. The employee may need to complete the disclosure form under M.G.L. c. 268A, §19.

If any employee, after employment or due to a change in employment, enters into one of the above relationships, the employee must notify the Town Administrator forthwith. The employee may need to complete the disclosure form under M.G.L. c. 268A, §19 and may require approval by the Town Administrator or Select Board.

Any Supervisor, who has a relative in their department, is required to file with their appointing authority (either Select Board or Town Administrator), a plan clearly articulating how supervision of their relative will be handled. Additionally, this document should identify who (or which position) is responsible for overseeing the relative and all matters pertaining to them and/or those identified above.