

# DAS Directive

Directive No. **HR-D-02**  
Effective Date: **09-01-2009**



To: All Appointing Authorities and Personnel Officers  
From: Hugh Quill, *Director of Administrative Services*  
Re: Nepotism Policy

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## PURPOSE

To establish a statewide policy to ensure that hiring and supervision in state government is conducted in a manner, which enhances public confidence in government and prevents situations which give the appearance of partiality, preferential treatment, improper influence or a conflict of interest. In accordance with this objective, the following sets forth the state of Ohio's policy on hiring and supervision.

## GENERAL

- A. Definitions. For purposes of this directive, the following definitions apply:
1. "Public official or employee" means any person who is elected or appointed to an office, or is an employee of any public agency under the jurisdiction and control of the Governor or his appointees. Public employee includes part-time interns, paid student help, temporary, intermittent and seasonal employees.
  2. "Closely related by blood or marriage" is defined to include, but is not limited to spouse, children (whether dependent or independent), parents, grandparents, siblings, aunts, uncles, in-laws, step-children, step-parents, step-grandparents, step-siblings, step-aunts, step-uncles, and other persons related by blood or marriage who reside in the same household.
  3. "Significant relationship" means people' living together as a spousal or family unit when not legally married or related where the nature of the relationship may impair the objectivity or independence of judgment of one individual working with the other.
  4. "Business associates" are defined as parties who are joined together in a relationship for business purposes or acting together to pursue a common business purpose or enterprise.
  5. "Supervision" means the direct ability or power to effectively recommend the hire, transfer, suspension, layoff, recall, promotion, discharge, assignment, reward, discipline or settlement of disciplinary grievances *or* appeals of other

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public employee, including the authority of a board or committee to order personnel actions affecting the job.

All public officials and state employees are prohibited from authorizing or using the authority or influence of his or her position to secure the authorization of employment or benefit (including a promotion or preferential treatment) for a person closely related by blood, marriage or other significant relationship including business association. This includes, but is not limited to the following circumstances:

## B. Hiring

1. Neither the Governor nor Lieutenant Governor shall authorize or use the authority or influence of their positions to secure authorization of the employment of a person closely related by blood, marriage or other significant relationship, including business association, to serve in any position within state government.
2. Except as provided in Section D, no public official or employee serving as a department director, assistant director, deputy director or any person of equivalent rank shall have in the employ of that person's department any person closely related by blood, marriage or other significant relationship including business association.
3. Except as provided in Section D, no human resource administrator, chief of human resources or person of equivalent rank shall have in the employ of that person's department any person closely related by blood, marriage or other significant relationship including business association.
4. No employee in the personnel area shall process any personnel actions or use the authority or influence of that employee's position to secure the employment of a person closely related by blood, marriage or other significant relationship, including business association.

## C. Supervision

1. Except as provided in Section D, no public official or employee shall supervise any person closely related by blood, marriage or other significant relationship including business association.
2. Should a supervisory conflict arise, the department shall work expeditiously to relocate or transfer one of the individuals to eliminate the conflict to the extent permitted by law and/or collective bargaining agreement. This relocation or

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transfer should be to a comparable position with minimal inconvenience for the transferring employee.

3. No employee in the personnel area shall review or be involved in the disciplinary actions of a person closely related by blood, marriage or other significant relationship, including business association.

## D. Exceptions

1. Sections B and C shall not apply to those circumstances in which:
  - a. A marital or other significant relationship develops subsequent to both the public official's and/or employee's employment with the department. (In this instance, the department should make reasonable attempts to avoid a supervisory conflict.);
  - b. The public official or employee is employed by the department prior to the appointment of a person closely related by blood, marriage or significant relationship to the position of director, assistant director, deputy director or personnel employee (e.g., a husband is employed at the agency and his wife is offered the appointment of deputy director. Neither the husband nor the wife must leave the agency. Although the department should make reasonable attempts to assure that the wife does not directly supervise her husband).
  - c. A person closely related by blood, marriage or significant relationship obtains employment with the same department as the result of bumping, displacement, recall or some other non-discretionary personnel action.
  - d. The public official or employee served in a capacity other than director, assistant director, deputy director or personnel employee at the time the person closely related by blood, marriage or significant relationship was hired by the department (e.g., a sister and brother are both employed by a department and the sister achieves a promotion to the personnel area of the department. A conflict does not exist provided the sister does not process any personnel actions for her brother).
  - e. The public official or employee is employed in the personnel division of a department that has more than one personnel office by virtue of the institutional nature of the department, and a person closely related by blood or marriage is hired by the personnel office of another location to

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work for that location (e.g., a public employee is a personnel officer at a Department of Youth Services Institution in Cleveland and his brother is hired by the personnel division of a Department of Youth Services Institution in Cincinnati).

- f. A person closely related by blood or marriage or has other significant relationship including business association with the assistant director, deputy director or any person of equivalent rank other than the human resource administrator is not prohibited from working in the same department as long as the assistant director, deputy director or any person of equivalent rank does not participate in the hiring of the employee and has no direct line of supervision.

## PROCEDURES

Each department should designate a human resources officer or other person to be personally responsible for requesting nepotism information and accurately documenting any information received by the applicant/transferring employee. A model checklist includes nepotism information, as well as other information, which must be verified with every new hire or transfer. Agencies should adopt this model checklist and add any other pertinent information they deem necessary.

Every personnel action form for a new hire, promotion or transfer posted must include a representation that all items contained in the pre-hire review form were verified. This representation can be made by either checking the box immediately above the appointing authority's signature on the forms or typing in a statement in the Remarks section. Administrative Services will not process any personnel action for a new hire, promotion or transfer which does not include this representation.

## ENFORCEMENT

All agencies are responsible for adhering to the hiring and supervisory policies and procedures listed above. Administrative Services will not accept a personnel action for a new hire or transfer which does not contain the requisite representation. Any violations of the criminal or ethics laws should be reported to the Office of Chief Legal Counsel in the Governor's office, as required by the Governor's Procedures for Responding to Illegal Activity. Any violations of the Ethics laws may also be reported to the Ohio Ethics Commission.

This directive supersedes any previously issued directive or policy and will remain effective until canceled or superseded.

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## AUTHORITY & REFERENCE

OAC 123:1-45-01

ORC 124.09