

FCO 2012 - VIII
FLOYD COUNTY, INDIANA ANTI-NEPOTISM POLICY

PREAMBLE

Floyd County, Indiana, prohibits nepotism and considers it a major conflict of interest in the work place.

This policy is not intended to discourage otherwise qualified individuals who are friends or relatives from working in the County as long as there is no direct line of supervision or actual conflict of interest. Employees who marry or become members of the same household may continue employment as long as there is not a direct line of supervision or other appearance of impropriety. .

This anti-nepotism provision shall be subject to all anti-discrimination requirements applicable to an individual or the County. Employees witnessing nepotism or conflicts of interest under this policy shall report such activity to the Commissioners. No employee may be subject to reprimand or disciplinary action for good faith reports under this policy.

I. DEFINITIONS

A. Relatives, for the purposes of this policy, include:

- (1) A spouse.
- (2) A parent or stepparent.
- (3) A child or stepchild.
- (4) A brother, sister, stepbrother, or stepsister.
- (5) A niece or nephew.
- (6) An aunt or uncle.
- (7) A daughter-in-law or son-in-law.

For purposes of this policy, an adopted child of an individual is treated as a natural child of the individual. For purposes of this policy, the terms "brother" and "sister" include a brother or sister by the half blood.

B. Direct line of supervision, for the purposes of this policy, means an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. The term does

not include the responsibilities of the executive, legislative body, or fiscal body of a County, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the County.

C. **Elected official** means the executive or a member of the executive body of the County; a member of the legislative body of the County; or a member of the fiscal body of the County.

D. **Employee** means an individual who is employed by a County on a full-time, part-time, temporary, intermittent, or hourly basis. The term does not include an individual who holds only an elected office. The term includes an individual who is a party to an employment contract with the County. Volunteer firefighters and precinct election officers are not employees for the purpose of this policy.

II. EXCEPTIONS

A. **Previous hires.** This policy does not apply to any employee hired before July I, 2012, unless that person has a break in employment with the County. The following are not considered a break in employment with the County:

(1) The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation.

(2) The individual's employment with the County is terminated followed by immediate reemployment by the County, without loss of payroll time.

Active duty service in the armed forces of the United States shall not constitute a break in employment if the service member returns to seek the same position he or she held before the period of service.

This policy does not affect the initial term of a contract in existence at the time the term of office of the elected official of the County begins.

B. **Relatives elected to office.** This policy applies to an individual who:

(1) is employed by a County on the date the individual's relative begins serving a term of an elected office of the County; and

(2) is not exempt from the application of this policy.

An individual may remain employed by a County and maintain the individual's position or rank even if the individual's employment would violate the prohibition set forth in this policy. However, such an employee may not:

- (1) be promoted to a position; or
- (2) be promoted to a position that is not within the merit ranks, in the case of an individual who is a member of a merit police department or merit fire department;

if the new position would violate the prohibition of this policy.

III. PROHIBITIONS

A. Direct employment. Individuals who are relatives may not be employed by a County in a position that results in one (1) relative being in the direct line of supervision of the other relative.

B. Contracts for the procurement of goods and services or public works. The County may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with:

- (1) an individual who is a relative of an elected official; or
- (2) a business entity that is wholly or partially owned by a relative of an elected official;

only if the requirements of this policy are satisfied and the elected official does not violate IC 35-44-I-3.

The County may enter into a contract or renew a contract with an individual or business entity described in this policy only if:

(1) the elected official files with the County Commissioners a full disclosure, which must:

- (A) be in writing;
- (B) describe the contract or purchase to be made by the County;
- (C) describe the relationship that the elected official has to the individual or business entity that contracts or purchases;
- (D) be affirmed under penalty of perjury;
- (E) be submitted to the legislative body of the County and be accepted by the legislative body in a public meeting of the County prior to final action on the contract or purchase; and

(F) be filed, not later than fifteen (15) days after final action on the contract or purchase, with:

- (i) the state board of accounts; and
- (ii) the clerk of the circuit court in the county where the County takes final action on the contract or purchase;

and then only if the appropriate agency of the County:

- (A) makes a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered; or
- (B) makes a certified statement of the reasons why the vendor or contractor was selected; and
- (C) the County satisfies any other requirements under IC 5-22 or IC 36-I-12.

An elected official shall also comply with the disclosure provisions of IC 35-44-I-3, if applicable.

IV. DUTIES OF COMMISSIONERS

Each elected officer of the County shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this policy. An officer shall submit the certification to the executive of the County not later than December 31 of each year.

V. CONFORMITY WITH STATE LAW

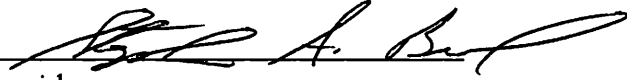
This policy is implemented to conform with Ind. Code § 36-I-20.2-I, as currently in force, and as it may be modified in the future, and its successor provisions.

It shall be construed in order to conform with all requirements of state law.

Should the statutes be modified to require further prohibitions or requirements, any such amendment shall be considered incorporated into this policy by reference.

DULY ADOPTED THIS _____ day of June 19, 2012

BOARD OF COMMISSIONERS
OF THE COUNTY OF FLOYD




President



Member



Member

Attest:


Floyd County Auditor