

**42 IAC 1-5-15 Nepotism (IC 4-15-7-1)**

The language of the Nepotism rule does not encompass a supervisory position over a niece-in-law.

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No. 06-I-9

**BACKGROUND**

The ethics officer for the Indiana Department of Health asks about the nepotism statute as it pertains to a situation that exists at the Department of Health. The situation concerns an employee directly supervising another employee who is the supervisor's niece by marriage. The supervisor's spouse is deceased.

**ISSUE**

Does the nepotism statute prohibit a state employee from directly supervising another employee who is her niece by marriage?

**RELEVANT LAW**

IC 4-15-7-1 Nepotism

**CONCLUSION**

The relevant sub-section of the nepotism statute is (d), concerning supervision of relatives. Sub-section (b) of the statute lists the prohibited relationships for a supervisor/subordinate relationship within state government. The list contains some relationships that occur as a result of marriage: husband, wife, son-in-law and daughter-in-law. The fact that the statute does not prohibit a supervisory position with a niece-in-law would indicate that such a supervisory/subordinate position is not prohibited by the statute. This same issue was addressed in a prior Official Advisory Opinion on August 15, 1991. This opinion is consistent with the prior opinion on the subject.