

**42 IAC 1-5-15 Nepotism (IC 4-2-6-16)
IC 4-2-6-1 Definitions**

Several IT positions opened at IOT and the step-son-in-law of one of IOT's current managers was interested in applying; however, some of the positions would be in the Manager's direct line of supervision. SEC found that, since "step-son-in-law" was not included in the definition of "relative," the Manager would not be prohibited from being in his step-son-in-law's direct line of supervision should his step-son-in-law apply for—and receive—one of those open positions at IOT.

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The Indiana State Ethics Commission ("Commission") issues the following advisory opinion concerning the State Code of Ethics ("Code") pursuant to I.C. 4-2-6-4(b)(1). The following opinion is based exclusively on sworn testimony and documents presented by the requestor.

BACKGROUND

A state employee is a manager employed by the Indiana Office of Technology ("IOT"). IOT currently has several open IT positions. The Manager's step-son-in-law is interested in applying for some of the openings. However, the Manager would be considered to be in the "direct line of supervision" for some of the positions that his step-son-in-law would like to apply for.

ISSUE

Is a step-son-in-law a "relative" as the term is defined in I.C. 4-2-6-1(a)(16) such that the Manager's step-son-in-law would be precluded from being considered for certain positions that are in the Manager's direct line of supervision within IOT?

RELEVANT LAW

**I.C. 4-2-6-16
Nepotism**

Sec. 16. (a) This chapter does not prohibit the continuation of a job assignment that existed on July 1, 2012.

(b) As used in this section, "employed" refers to all employment, including full-time, part-time, temporary, intermittent, or hourly. The term includes service as a state officer or special state appointee.

(c) An individual employed in an agency may not hire a relative.

(d) Except as provided in subsection (e), an individual may not be employed in the same agency in which an individual's relative is the appointing authority.

(e) An individual may be employed in the same agency in which the individual's relative is the appointing authority, if the individual has been employed in the same agency for at least twelve (12) consecutive months immediately preceding the date the individual's relative becomes the appointing authority.

(f) Except as provided in subsection (e), an individual may not be placed in a relative's direct line of supervision.

(g) An individual employed in an agency may not contract with or supervise the work of a

business entity of which a relative is a partner, executive officer, or sole proprietor.

(h) Any person within an agency who knowingly participates in a violation of this chapter is subject to the penalties set forth in section 12 of this chapter.

I.C. 4-2-6-1

Definitions

Sec. 1. (a) As used in this chapter, and unless the context clearly denotes otherwise:

(16) "Relative" means any of the following:

- (A) A spouse.
- (B) A parent or stepparent.
- (C) A child or stepchild.
- (D) A brother, sister, stepbrother, or stepsister.
- (E) A niece or nephew.
- (F) An aunt or uncle.
- (G) A daughter-in-law or son-in-law.

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

ANALYSIS

The term "relative" is defined in I.C. 4-2-6-1(a)(16) to include both a stepchild and a son-in-law; however, it does not explicitly include the relationship of a step-son-in-law. The Commission previously found in Formal Advisory Opinion 06-I-9 that a relationship that was not specifically enumerated in the definition of the term "relative"—such as a niece-in-law--was not subject to the law.

CONCLUSION

A step-son-in-law is not a "relative" as the term is defined in I.C. 4-2-6-1(a)(16). Accordingly, the Commission finds that the Manager's step-son-in-law is not precluded from being considered for certain positions that are in the Manager's direct line of supervision within IOT.