Policy 0503

From Human Resources

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PERSONNEL POLICY MANUAL
MoDOT Personnel Policy Title: Employment of Relatives **Policy Number**: 0503 **Chapter Title**: Employment **Effective Date**: January 1, 2013 **Supersedes Policy Number**: 0503 **Dated**: July 1, 2005
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POLICY STATEMENT

The department will comply with Missouri State Law regarding the employment of relatives. The department will also restrict the employment of relatives as defined in this policy.

DEFINITION

Domestic Partner: Identifies the personal relationship between individuals who are living together and sharing a common domestic life together and are jointly responsible for the basic necessities of life but are not joined in any type of legal partnership, marriage, or civil union.

PROVISIONS / REQUIREMENTS

1. Every supervisor should be aware that Article VII, Section 6 of the Missouri Constitution (1945) states:

Penalty for nepotism: Any public officer or employee in this state, who by virtue of his office or employment, names or appoints to public office or employment any relative within the fourth degree, by consanguinity or affinity, shall thereby forfeit his office or employment.

A supervisor may not recommend or approve an applicant for employment who will work under his/her direct supervision if the applicant is related to the supervisor within the fourth degree by either blood (consanguinity) or marriage (affinity). Also, an applicant may not be hired if he/she is related (within the fourth degree) to the director, Missouri Department of Transportation.

2. The employment of any job applicant, except as noted below, is prohibited if the applicant is a relative of a current employee as defined under paragraph 7 below, and the current employee works in a district or in the Central Office where the applicant wants to be hired. See chart on page 4, which shows degrees of relationships.

A. An exception will be made for wage employees who are hired to perform snow removal or other emergency work.

B. An exception will be made for applicants who are relatives of employees who are receiving disability benefits through the department's retirement system.

C. An exception will be permissible for a position that is salaried (full-time) or permanent part-time/job share, which requires at least a bachelor's degree, if the following conditions are met:

1) The applicant selected must possess the required degree and applicable experience. Experience may not be substituted for the education requirement.

2) An applicant, who is exceptionally well qualified in terms of grade point average, experience, personal traits, etc., may be considered even though he/she has a relative (within the second degree) currently working in the district or in the Central Office where the applicant wants to work. However, an equally qualified, non-related applicant, will have preference in employment over the applicant who has a relative currently working for the department.

3) The applicant selected cannot work under the direct supervision of the relative currently working for the department.

3. An employee hired on or after August 1, 1998, will be released from employment if the personnel policy in effect at the time of hire prohibited his/her employment. The employee will be given written notice of the determination that the policy has been violated and he/she will be given up to 30 calendar days to seek other employment.

4. An employee hired prior to August 1, 1998, who is a relative of one or more department employees, may remain in employment.

5. If a department employee marries another department employee, see Personnel Policy 2513, "Workplace Relationships."

6. An employee shall not be selected for a position or assigned to work in a position where he/she will either directly supervise, or be directly supervised by, a relative who is related within the second degree.

7. Below is a list of first and second-degree relatives who are prohibited from employment within a district or in the Central Office. If uncertain of the nature or degree of relationship between an applicant and an employee, particularly where complicated relationships by marriage exist, contact the local human resources office. Relatives who are prohibited from employment are:

A. Spouse or domestic partner of an employee.
B. A parent or stepparent of an employee.
C. A parent or stepparent of an employee's spouse or domestic partner.
D. A child or stepchild of an employee.
E. A spouse or domestic partner of an employee's child or stepchild.
F. A grandparent of an employee.
G. A grandparent of an employee's spouse or domestic partner.
H. A grandchild of an employee.
I. A spouse or domestic partner of an employee's grandchild.
J. A brother or sister of an employee.
K. A brother or sister of an employee's spouse or domestic partner.
L. A spouse or domestic partner of an employee's brother or sister.

8. Additional relationships are defined as follows:

A. Adoption is the same as a blood relationship.
B. A "half" relationship is the same as a "whole" relationship.
C. "Step" relationships apply to stepfather, stepmother, stepson, and stepdaughter for purposes of this personnel policy.
D. A relationship "by marriage" terminates if death or divorce occurs.
E. A husband is related by marriage (affinity) to his wife's relatives in the same way she is related to them by blood (consanguinity), and she to his in the same manner; but the relatives of the spouses are not necessarily related to one another. For example, a brother of a husband is not related to a brother of his wife.

CROSS REFERENCES

Article VII, Section 6, Missouri Constitution (1945) (http://www.moga.mo.gov/const/A07006.HTM)

Personnel Policy 2513, “Workplace Relationships"

Degrees of Relationship To Applicant or Applicant's Spouse

1st Degree	2nd Degree	3rd Degree	4th Degree
Child	Brother or Sister	Great Grandchild	Great-Great Grandchild
Parent	Grandchild	Great Grandparent	Great-Great Grandparent
-	Grandparent	Aunt or Uncle	Grandaunt or Granduncle
-	-	Niece or Nephew	Grandneice or Grandnephew
-	-	-	First Cousin

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