



## **POLICY STATEMENT**

# **Employment of Relatives**

**SU Policy Number: 403-002.0**

### ORIGINATING OFFICE

Office of the President

### PURPOSE

The employment of relatives of current employees, in conformance with University policies and procedures may be appropriate, but all appointments, promotions, or assignments of a relative must be considered in relation to the parameters listed below to avoid the occurrence or perception of preferential treatment because of a familial relationship. This policy is promulgated pursuant to the authority assigned to University President under Act 188 of 1982, 24 P.S. §20-2010-A(1) and is consistent with the Commonwealth of Pennsylvania's Management Directive 505.7, Section 13.33 and the Public Official and Employee Ethics Act, 65 Pa. C.S. §1101 et seq.

### SCOPE

This policy shall apply to all university employees including staff, faculty, and administrative employees; temporary, wage, student and contract employees; and current employees who may be working in a temporary, out-of-class or interim assignment.

University faculty positions are subject to various provisions related to the employment of family members in the collective bargaining agreement between APSCUF and the PASSHE including Article 11, Appointment of Faculty; Article 12, Performance Review and Evaluation of Faculty; Article 15, Tenure; Article 16, Promotion; Article 18, Leaves of Absence; other current and future collective bargaining agreement provisions also could apply.

### OBJECTIVE

To minimize the risks created by the appearance or occurrence of preferential treatment and conflicts of interest because of a familial relationship in the workplace.

### DEFINITIONS

For the purpose of this policy, family members are defined as individuals who are related by blood, marriage or adoption including the following: spouse, child, step-child, parent, step-parent, grandparent, grandchild, great grandparent, great grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, parent-in-law, daughter-in-law, son-in-law, brother-in-law, and sister-in-law. This definition also includes non-family members who reside in the same household as the employee or candidate for a vacant position, and same sex domestic partners.

For purposes of this policy, “supervisory employee” or “supervisor” means any employee, regardless of job description or title, having authority in the interest of the employer to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees or responsibility to direct them or adjust their grievances; or to a substantial degree effectively recommend such action, if in connection with the foregoing, the exercise of such authority is not merely routine or clerical in nature but calls for the use of independent judgment. This includes individuals who comprise the reporting chain for the employee beyond the immediate supervisor, for example the appropriate manager, Dean and Vice President.

### POLICY

It is the policy of Shippensburg University not to discriminate against any candidate for employment on the basis of family status. Specifically, there shall be no discrimination against members of the family regarding concurrent employment at the University.

However, no University employee may act as the direct supervisor or be involved in the reporting chain of a family member. Also, in the interest of maintaining an open and bias-free recruitment and selection process, as well as avoiding potential conflicts of interest, discrimination and other possible improprieties in hiring practices, it is also the policy that no employee of the University may serve on a search and selection committee or otherwise directly participate in the hiring process which involves a member of the employee’s family as defined herein.

### RESPONSIBILITIES

It is the responsibility of the Director of Human Resources to ensure that the policy is communicated to applicants, supervisors, employees and others involved in the interview and selection process for non-faculty positions. The Director of Human Resources will monitor the compliance of the policy in regard to internal and external searches, temporary assignments, promotions and lateral position moves within the organization.

1. It is the responsibility of the Provost to ensure that the policy is communicated to applicants, supervisors, employees and others involved in the interview and selection process for positions in the Academic Affairs division. The Provost will monitor compliance with this policy and the relevant provisions of the APSCUF collective bargaining agreement related to the employment of relatives for positions within the Academic Affairs division.
2. The Director of Human Resources in conjunction with the appropriate Vice President and President will ensure compliance with this policy for faculty assigned outside the Academic Affairs division, including temporary, regular tenure-track, and temporary assignments to management.
3. It is the responsibility of an internal or external candidate to inform the Human Resources Department (or the Provost for faculty positions) of any familial relationship as defined above by the Bidding Form (internal candidates) or the Application for Employment (external candidates).
4. It is the responsibility of University employees, including temporary, wage, student and contract employees to inform the Human Resources Department of any familial relationship (as defined above) that could impact a search and selection process, a temporary assignment, or a promotion or reassignment.

In implementing this policy, it is lawful to ask an applicant on the employment application form whether he or she has a relative as defined in this policy who is presently employed by Shippensburg University, but such information may not be used as a basis for an employment decision except as stated herein.

In the event that any provision of this Policy is found to be inconsistent with labor agreements, statutes, ordinance, rules or regulations governing Shippensburg University, the provisions of such labor agreements, statutes, ordinance, rules or regulations shall prevail.

Any issues that may arise under the Public Official and Employee Ethics Act should be referred promptly to University Legal Counsel or the Office of the Chief Counsel for the State System of Higher Education.

EXCEPTIONS

Exceptions to this policy are possible only in limited circumstances and only if a plan that provides for alternative supervision has been approved by the Department Director, Dean, appropriate Vice President, and President. Such plans must be in writing and, if approved, a copy will be placed in the personnel files of both related employees.

APPROVALS

Approved by President's Cabinet; November 7, 2011

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Public