

3.0230.06

**NEPOTISM**

Issue Date: 9/12/96 Updated: 11/14/19

Utah Code § 67-16-6 (2014)

For purposes of this section, “relative” means father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law.

Utah Code § 52-3-1(1) (d) (2015)

No Board member or officer of the district may employ, appoint, or vote for or recommend the appointment of a relative or cohabitant in or to any position of employment, when the salary, wages, pay, bid, or compensation of the appointee will be paid from public funds and the appointee will be directly supervised by a relative, unless:

1. The appointee is eligible or qualified to be employed by the District pursuant to the State Office of Education; or
2. The appointee is the only person available, qualified, or eligible for the position; or
3. The appointee will be compensated from funds designated for vocational training; or
4. The appointee will be employed for a period of twelve (12) weeks or less; or
5. The appointee is a volunteer as defined by the District; or
6. In the case of a District officer, the Board determines that the employee is the only person available or best qualified to perform supervisory functions of the appointee.

Utah Code § 52-3-1(2)(a) (2015)

**Nepotism**

No District employee may directly supervise an appointee who is a relative or cohabitant when the

Updated:

**Nepotism**

**Definitions—**

As used in this policy: “appointee” means an employee whose salary, wages, pay, or compensation is paid from public funds; “relative” means father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law; “household member” means a person who resides in the same residence.

Utah Code § 52-3-1(1)(c), (d) (2018)

**Prohibited Appointment—**

No Board member or employee of the District may employ, appoint, or vote for or recommend the appointment of a relative or household member in or to any position or employment when the appointee will be directly supervised by a relative or household member, unless:

1. The appointee will be compensated from funds designated for vocational training;
2. The appointee will be employed for a period of 12 weeks or less;
3. The appointee is a volunteer as defined by the District; or
4. The Superintendent determines that appointee is the only or best person available, qualified or eligible for the position.

Utah Code § 52-3-1(2)(a) (2018)

**Prohibited Supervision—**

No District employee may directly supervise an appointee who is a relative or household member of the employee unless:

salary, wages, pay, bid or compensation of the relative will be paid from public funds, unless:

1. The relative was appointed or employed before the District employee assumed his or her supervisory position, if the relative's appointment was not unlawful at the time of appointment;
2. The appointee will be compensated from funds designated for vocational training;
3. The appointee will be employed for a period of 12 weeks or less;
4. The appointee is a volunteer as defined by the District;
5. The appointee is the only person available, qualified or eligible for the position;
6. The appointee is eligible or qualified to be employed by the District pursuant to State Office certification if applicable, civil service laws or regulations, or merit system or regulations; or,
7. The Superintendent determines that the employee is the only person available or best qualified to perform supervisory functions for the appointee.

### Supervision

When a District employee supervises a relative, the employee shall make a complete written disclosure of the relationship to the Superintendent. The District employee may not evaluate the relative's job performance or recommend salary increases for the relative.

*Utah Code § 52-3-1(2) (2015)*

No appointee may accept or retain employment in the District if the appointee is under the direct supervision of a relative, unless:

1. The relative was appointed or employed before the District employee assumed his or her supervisory position, if the relative's appointment was not unlawful at the time of appointment;

1. The appointee was appointed or employed before the District employee assumed his or her supervisory position, if the appointee's appointment was not unlawful at the time of the appointee's appointment;
2. The appointee will be compensated from funds designated for vocational training;
3. The appointee will be employed for a period of 12 weeks or less;
4. The appointee is a volunteer as defined by the District;
5. The appointee is the only person available, qualified or eligible for the position; or
6. The Superintendent determines that the employee is the only individual available or best qualified to perform supervisory functions for the appointee.

When a District employee supervises a relative **or household member**, the employee shall make a complete written disclosure of the employee's relationship **with the relative or household member in a sworn statement provided to the Board of Education**. The District employee may not evaluate the relative's job performance or recommend salary increases for the relative.

*Utah Code § 52-3-1(2)(b), (c) (2018)*

*Utah Code § 67-16-7(2)(b) (2018)*

### Acceptance of Employment—

No appointee may accept or retain employment in the District if the appointee is under the direct supervision of a relative or household member, unless:

1. The relative **or household member** was appointed or employed before the appointee assumed the appointee's

2. The appointee will be compensated from funds designated for vocational training;
3. The appointee will be employed for a period of 12 weeks or less;
4. The appointee is a volunteer as defined by the District;
5. The appointee is the only person available, qualified or eligible for the position;
6. The appointee is eligible or qualified to be employed by the District pursuant to State Office certification if applicable, civil service laws or regulations, or merit system or regulations; or,
7. The Superintendent determines that the employee is the only person available or best qualified to perform supervisory functions for the appointee.

**Trading**

It is illegal to evade the provisions of this policy by trading.

NOTE: An example of trading would be if the Board employed the relative of a person subject to the nepotism statute, in return for which that person employed a relative of a Board member, given the fact that neither employer could legally employ his or her own relative.

**Federal Funds**

The rules against nepotism apply to employees paid with public funds regardless of the source of those funds, including employees paid with funds from a federal grant.

position, if the appointment of the relative or household member was not unlawful at the time of the appointment;

2. The appointee will be compensated from funds designated for vocational training;
3. The appointee will be employed for a period of 12 weeks or less;
4. The appointee is a volunteer as defined by the District;
5. The appointee is the only person available, qualified or eligible for the position; or
6. The Superintendent determines that the appointee's relative or household member is the only individual available or qualified to supervise the appointee.

[Utah Code § 52-3-1\(3\) \(2018\)](#)

**Federal Funds—**

The rules against nepotism apply to employees paid with public funds regardless of the source of those funds, including employees paid with funds from a federal grant.

**Limited Exception for Towns—**

Within a town, as defined by [Utah Code § 10-1-104](#), this policy on nepotism shall not apply to the employment of uncles, aunts, nephews, nieces or cousins.

[Utah Code § 52-3-4 \(1998\)](#)

**General Exceptions—**

This policy on nepotism shall not apply to the employment of a relative if the following criteria are established:

1. fewer than 3,000 people live within 40 miles of the primary place of employment, measured over all-weather public roads;

2. the job opening has had reasonable public notice; and

3. the relative is the best qualified candidate for the position.

If an appointee is to be hired under this exception, the District shall make a written record of the proceedings in which it was established that the appointee met the criteria of this exception, which record shall include a written statement by the hiring officer certifying that the appointee satisfies the exception, all of which shall be retained in the personnel file of the appointee.

*Utah Code § 52-3-4 (1998)*