

Town of Amherst Anti-Nepotism Policy

The employment of relatives in the same department or area of the Town may cause serious conflicts of interest, and perceived or actual problems with favoritism that can negatively impact morale. Decisions concerning the employment, evaluation, promotion, compensation, and discipline of personnel should be based on considerations of individual merit. It is the Town's policy to hire and promote employees based on merit, qualifications, and relevant experience.

I. Definitions

- (1) Candidate – an applicant for either promotion or employment with the Town.
- (2) Direct line of supervision – where a family member could be in a position to appoint, discipline, review the performance of, or influence the work in a material way of a candidate or promotional employee. Alternatively, a situation where a candidate or promotional employee would then be in a position to appoint, discipline, review the performance of, or influence the work in a material way of a current Town employee.
- (3) Employee – any current person that works for the Town.
- (4) Family member, relative, or familial relationship – any relation with another person, by blood or by marriage, including the employee's spouse (current or former), children, step-children, parents, step-parents, siblings, grandparents, step-grandparents, grandchildren, step-grandchildren, and like relations of the employee's spouse.

II. General Provisions

- (1) As an Equal Opportunity Employer, the Town of Amherst is committed to considering every application for employment without regard to race, sex, color, ancestry, national origin, age, marital status, familial status, disability, religion, or any other status protected by New York State Executive Law and Title VII of the Equal Rights Act.
- (2) Family members shall not be in the direct line of supervision of another family member, and shall not be directly supervised by a family member.
- (3) No employee shall be involved in any part of the process of influencing or controlling the terms and conditions of another family member's employment, including: hiring, evaluation of work performance, establishing or changing work assignments, making recommendations for salary, promotions, or other personnel decisions such as discipline and discharge.

III. Protections and Review Process

- (1) All Town job applications should provide a section for candidates to disclose any familial relationships between the candidate and any Town employees. This section should identify the name, relationship, and position of family members.

- (2) As part of the hiring process, the Human Resources Department will highlight for the prospective department head whether or not the candidate is related to any Town employees within or outside of the department. This will also apply to any intra-departmental transfers or promotions. Conversely, if a department head becomes aware of a familial relationship that has not been identified by the Human Resources Department, they should immediately disclose such relationship to the Director of Human Resources.
- (3) In the event the department head wishes to move forward with the appointment, the department head, as part of the employee's Personnel Action Request, should outline the supervisory structure of the department and ensure that the candidate will not be in the direct line of supervision as their family member.
- (4) The Director of Human Resources will review the Personnel Action Request to ensure the appointment aligns with this policy. If the Director determines that such appointment is in violation of this policy, the department head will be notified that the supervisory structure will need to be modified, or that the appointment will not be permissible.

IV. Exceptions

- (1) The Town may be required to appoint certain positions off of an eligible list. The Town will not consider a prospective employee's familial relationship when appointed off an eligible list, and will instead create safeguards at the department head level to ensure a family member is not in the direct line of supervision of the prospective employee.
- (2) Any pre-existing familial relationships between employees of any Town Department that predate this policy shall be exempt under this policy. However, if the existing employment relationship is changed so that a family member reported to another family member, left that position, then reapplied, the policy would apply in the future.
- (3) The Town recognizes that employee family member conflicts might arise when one family member gains elected office. In such cases, the Town will work with the relevant department where the conflict exists to reduce any real or perceived conflict between the family members.
- (4) This Policy may be set aside on a case-by-case basis, upon the request of the relevant department head to the Board and an attestation that the prospective employee was the most qualified for the position. Additionally, the appointment must obtain the recommendation of the Director of Human Resources that any such conflict can be mitigated (along with a mitigation plan), and a majority vote of the Town Board that it is in the greater interest of the Town to do so.