

DEFINITION

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.

UCA § 52-3-1(1)(d) (2015)

PROHIBITED APPOINTMENT

No Board member or employee of the District may employ, appoint, or vote for or recommend the appointment of a relative or cohabitant in or to any position or employment, when the salary, wages, pay, 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 the only person available, qualified, or eligible for the position;
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; or
5. The Superintendent determines that the employee is the only or best person available, qualified or eligible for the position.

Utah Code Ann. § 52-3-1(2)(a) (2015)

PROHIBITED SUPERVISION

No District employee may directly supervise an appointee who is a relative or cohabitant when the 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 Board of Education certification if applicable, civil service laws or regulations, or merit systems 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.

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 Ann. § 52-3-1(2) (2015)

ACCEPTANCE OF EMPLOYMENT

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;
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 Board of Education 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.

FEDERAL FUNDS

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

LIMITED EXCEPTION FOR TOWNS

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

UCA § 52-3-4 (1998)

GENERAL EXCEPTIONS

The 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 Ann. § 52-3-4 (1998)