

Department of Education Anti-Nepotism Law and Regulations

The Department of Education's (the "Department") anti-nepotism regulations, contained in Chancellor's Regulation C-110, Sections IV (2) and (3), prohibit a Department employee from hiring, employing or supervising a near relative. A "near relative" is defined in Chancellor's Regulation C-110, Section IV (4)(b) as "a parent, spouse, registered domestic partner, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, or the spouse or child of any of them or a person bearing the same relationship to the employee's spouse."

The Conflicts of Interest Law Section 2604(b)(3) prohibits Department officials and employees from using or attempting to "use his or her position ... to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the [official or employee] or any person or firm associated with the [official or employee]." This provision prohibits Department officials and employees from hiring, employing or supervising a person or firm associated with the official or employee. The Conflicts of Interest Law's definition of "person or firm associated" with an official or employee "includes a spouse, domestic partner, child, parent or sibling, a person with whom the [official or employee] has a business or other financial relationship and each firm in which the [official or employee] has a present or potential interest." The Conflicts of Interest Board can impose fines of up to \$10,000 per violation of the conflicts law, and can also recommend termination of employment. In addition, the Department can bring disciplinary proceedings to enforce the nepotism rules.

All Department employees must comply with the following anti-nepotism rules:

Rule #1: You can't do anything to get your relative (see above list of relatives) or someone with whom you have a financial interest (a "financial associate") a job at the Department or with a Department vendor. This means that you cannot hire or recommend to be hired a relative or someone with whom you have a financial interest for a Department or job with a Department vendor. This prohibition includes giving a relative's or financial associate's resume to Department employees or Department vendors, verbally recommending a relative (or financial associate), or discussing a relative or financial associate's application for a job with anyone at the Department or a Department vendor. You are permitted to tell a relative and/or a financial associate about a public listing for a job at the Department, but may give no other aid to help the relative and/or financial associate to obtain that job. Also, you may not be involved in purchasing goods or services for the Department from a relative and/or financial associate. For example, you may not purchase goods or services from your spouse's consulting firm or from your roommate's office supply store.

Rule #2: You can't supervise, directly or indirectly, your relative or someone with whom you have a financial interest at the Department. Subordinates are not limited to individuals directly under and reporting to you, but include all individuals in lower

positions in the organizational hierarchy of the agency, whose work you have the power to direct or *whose terms and conditions of employment you have the power to affect*.

Corollaries of Rule #2:

- 1) Relatives and/or financial associates of a Community Superintendent can't work at any of the schools in the Community School District or the district office.
- 2) Relatives and/or financial associates of an Integrated Service Center ("ISC") Director, Learning Support Organization ("LSO") or Empowerment Support Organization ("ESO") CEO, cannot work in that ISC, LSO or ESO.
- 3) Relatives or financial associates of a principal can't work in the principal's school.
- 4) Relatives and/or financial associates of an assistant principal cannot be supervised by the assistant principal, nor can they hold positions whose terms and conditions the assistant principal has the power to affect.
 - a) If an assistant principal is head of a department (e.g., assistant principal for math), a relative cannot work in that department. If the assistant principal has a relative who works in another department (e.g., the assistant principal for math's son is a science teacher) the relative may remain in the school, provided that the two departments are completely separate (e.g., they do not have a joint curriculum). In addition, the rules below must be followed.
 - b) If an assistant principal has jurisdiction (including the power to affect the terms and conditions of all employees) over the whole school/all employees for some matters (e.g., an assistant principal for administration), then the assistant principal's relatives cannot work in that school.
 - c) If a school has only one or two assistant principals, relatives of either assistant principal cannot work in the school.
 - d) If a school has three or more assistant principals, and an assistant principal has a relative working in the school under a situation otherwise permitted (such as (a) above), then the assistant principal with the relative may not be left in charge of the school except in situations where the principal and all other assistant principals are away from the school.