

<p style="text-align: center;">POLICY OF</p> <p style="text-align: center;">STATE OF DELAWARE</p> <p style="text-align: center;">DEPARTMENT OF CORRECTION</p>	<p style="text-align: center;">POLICY NUMBER</p> <p style="text-align: center;">8.54</p>	<p style="text-align: center;">PAGE NUMBER</p> <p style="text-align: center;">1 of 4</p>
<p>CHAPTER: 8 Administration</p>	<p style="text-align: center;">RELATED ACA Standards</p>	
<p>APPROVED BY THE COMMISSIONER AND EFFECTIVE THIS DATE:</p>	<p style="text-align: center;">SUBJECT: NEPOTISM</p> <p style="text-align: right;"><i>[Signature]</i> 6/29/15</p>	
<p style="text-align: center;">APPROVED FOR PUBLIC RELEASE</p>		

I. AUTHORITY: 29 Del. C. §5802, §5805, §5806, and Merit System Rules.

II. PURPOSE: To ensure that hiring, career development and supervision within the Department of Correction are conducted in a manner that prevents the appearance of favoritism, preferential treatment, improper influence or a conflict of interest.

III. APPLICABILITY: All Department employees and all appointments, whether merit, seasonal or exempt

IV: DEFINITIONS:

A. Relative: For purposes of this policy, relative is defined as a direct or indirect connection between persons by blood, marriage, adoption, domestic partnership, or a personal relationship that includes cohabitation or equivalent relationship. Further defined as spouse, child, parent, step-child, step-parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, first cousin, parent-in-law, daughter-in-law, son-in-law, brother in-law and sister-in-law.

B. Supervisor or Supervisory Employee: Any employee, regardless of job description or title, having authority in the interest of the employer to hire, transfer, suspend, promote, discharge, assign, reward or discipline an employee

C. DOC Employee: Any person who receives compensation as an employee of the DOC.

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V: POLICY: The Department of Correction’s standards for employment decisions including, but not limited to, hiring, promotion, appointment, evaluation, salary determination and termination of employees are based on qualifications, ability and performance. The Department will avoid nepotism and the appearance of nepotism in employment decisions and reserves the right to take action when relationships or associations of employees impact its mission.

A. Supervision: It is against Department policy for an employee to have direct supervision over a relative or to work in positions that have a direct audit or control function over a relative except when there is a minimum of at least two levels of supervision between the related employees.

B. Hiring: To avoid possible conflicts of interest, any Bureau Chief, Director, Warden, Administrator, Manager or Supervisor who is a relative of an employee or job applicant must not participate, either formally or informally, in decisions (including rendering advice on decisions) on personnel matters affecting the relative, including, but not limited to, decisions to hire, retain, promote or determine salary.

C. Interview Panels: No employee will sit on an interview panel in which a relative is to be interviewed. The related panel member must remove themselves from the entire selection process for the position being filled. No job applicant will be denied the opportunity to interview if qualified.

D. Performance Review: To avoid possible conflicts of interest, any Bureau Chief, Warden, Administrator, Manager or Supervisor who is a relative of an employee or job applicant must not participate either formally or informally in decisions on evaluating or planning of a relative’s performance (including rendering advice).

E. Personnel Decisions: In cases where an employee would have primary responsibility for supervision, evaluation of, or assignment of duties to a relative, a supervisory employee at the same or higher level must intervene to perform the functions of the supervisor.

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F. Disciplinary Process: No employee will be involved in the disciplinary investigation of a relative, other than as a witness if the situation warrants. No Bureau Chief, Warden, Administrator, Manager or Supervisor will make decisions regarding disciplinary action of one of their relatives or of the relative's direct supervisor. Responsibility for such decisions will fall to the next person in the Chain of Command.

G. Disclosure of Conflicts: In circumstances which have the potential for relationships as referenced above, individuals have the responsibility for disclosing that a relationship may exist to the Commissioner, Bureau Chief, Warden or Human Resources Director prior to making any employment decisions.

H. Relationship after employment:

1. **Marriage and other Significant Relationships:** When a marital or other significant relationship develops subsequent to both employees' employment with the Department, disclosure should be made as soon as possible. In this instance, the Department will make reasonable attempts to avoid a supervisory conflict as soon as possible.
2. **Promotion/Demotion/Transfer:** When an employee is employed by the Department prior to the appointment of a relative to a supervisory position, the Department will make a reasonable effort to ensure the employee is out of the supervisory chain of the relative.
3. **No Grandfather Clause:** Related supervisor and employee in a working relationship prior to this policy going into effect are required to make disclosure of the relationship. To prevent any possibility that this working relationship could foster impropriety, the two shall be separated by a minimum of two levels of supervision, or the employee should be assigned to another supervisor at the same or higher level as soon as can be arranged without impacting operations, but no longer than 60 days after disclosure.

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I. Enforcement: All DOC employees are responsible for adhering to this policy.

Complaints regarding violations of this policy should be forwarded to the Director of Human Resources who will respond to the complaint within 15 days. In cases where the application of a principle is disputed, the supervisor at the next level may be asked to assist in the resolution. If resolution cannot be achieved then the dispute will be reported to the Director of Human Resources, who will assign an investigator. The investigator will complete an investigation and report the findings to the Director of Human Resources and Commissioner.