

RESOLUTION NO. R-13-13

**REVISIONS TO SECTION 2.4.B OF GRANT COUNTY EMPLOYEE  
MANUAL (FEBRUARY 2005, amended August 12, 2010)**

**WHEREAS**, the Grant County Board of Commissioners ("Commission") desires to revise section 2.4.B of the Grant County Employee Manual (February 2005, amended August 12, 2010) to clarify and further define the county's policy on nepotism; and

**WHEREAS**, Grant County does not strictly prohibit the employment of relatives, and the county does not wish to become involved in the consensual relationships between co-workers that do not affect the workplace or create liability for the county. However, Grant County must take precautions to insure that employees are not, and do not appear to be improperly influenced by the existence of familial or close personal relationships; and

**WHEREAS**, the Commission recognizes that administrators, managers and supervisors must create an atmosphere of fairness and equality among their staff and avoid real, or perceived, undue influence due to familial or close personal relationships.

**NOW THEREFORE, BE IT HEREBY RESOLVED**, that in light of the interests described herein, the Commission adopts the following revisions to section 2.4.B of the Grant County Employee Manual (February 2005, amended August 12, 2010):

**2.4.B NEPOTISM POLICY (revised October 31, 2013)**

**Nepotism Generally**

Grant County does not strictly prohibit the employment of relatives, and the county does not wish to become involved in the consensual relationships between co-workers that do not affect the workplace or create liability for the county. However, Grant County must take precautions to insure that employees are not, and do not appear to be improperly influenced by the existence of familial or close personal relationships.

The Nepotism Policy applies to all present and future familial and close personal relationships. An employee or applicant shall not be hired, transferred, or promoted if doing so would cause a violation of this policy. The head of a county department, whether an employee or an elected official, may not avoid this policy by delegating supervisory duties. Accordingly, someone who has a familial or close personal relationship with a department head shall not become employed in that department.

Employees, including supervisors, who allow familial or close personal relationships with co-workers or subordinates to negatively affect the working environment, or to violate county policies, will be subject to disciplinary action.

### **Statutory Nepotism**

Pursuant to NMSA (1978) § 10-1-10, no person elected or appointed to any public office or position under the laws of the State of New Mexico or ordinance shall employ as a clerk, deputy or assistant, in such office or position, whose compensation is to be paid out of public funds, any persons related by consanguinity or affinity within the third degree to the person giving such employment, unless such employment shall first be approved by the officer, board, council or commission, whose duty it is to approve the bond of the person giving such employment; provided, that this act shall not apply where the compensation of such clerk, deputy or assistant shall be at the rate of \$600 or less a year.

### **Familial Relationships**

Grant County construes “familial relationship” to include the following: spouses, domestic partners, parents, children, siblings, step children, step siblings, mothers-in-law, fathers-in-law, grandchildren, and grandparents.

Administrators, managers and supervisors must create an atmosphere of fairness and equality among their staff and avoid real, or perceived, undue influence due to close personal relationships.

Under no circumstances shall any county employee directly supervise or otherwise participate in decisions regarding the supervising, hiring, retention, promotion, disciplining, scheduling, or compensation of another employee with whom they have a familial relationship.

### **Close Personal Relationships**

Grant County strongly believes that an environment where employees maintain clear boundaries between personal and business interactions is most effective for conducting business. This policy is not intended to prevent the development of friendships or other personal relationships between co-workers. However, it does establish clear guidelines as to interpersonal behavior that affects the working environment whether conducted there or not. Individuals in supervisory positions (temporary or permanent) or other influential roles are subject to more stringent requirements because of their positions of responsibility, their access to sensitive information, and their ability to influence others.

Grant County construes “close personal relationship” to mean a romantic and/or sexual relationship. Close personal relationships in the workplace, particularly those involving supervisor and subordinate, can result in actual or perceived favoritism, decreased productivity, retaliation or public confrontation by one or both parties, decreased morale of co-workers, and complaints of sexual harassment. Matters such as hiring, firing, promotions, scheduling, performance management, compensation, financial transactions, enforcement of policies, are examples of situations particularly open to conflict and/or bias.

Under no circumstances shall any county employee be in the direct line of supervision or chain of command, or otherwise participate in or have authority over decisions regarding the

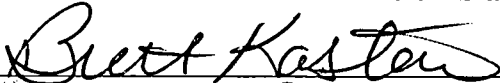
supervising, hiring, retention, promotion, disciplining, scheduling, or compensation of another employee with whom they have a close personal relationship. Where a close personal relationship exists or develops between current employees and one of the employees is in the direct line of supervision or chain of command of the other employee, or otherwise participates in or has authority over decisions regarding the supervising, hiring, retention, promotion, disciplining, scheduling, or compensation of the other employee, the higher level employee shall be discharged from employment, unless he or she can be demoted or moved without creating a burden in the department, AS DETERMINED BY THE DEPARTMENT HEAD OR ADMINISTRATOR ON A CASE-BY-CASE BASIS. Positions will not be created and other employees will not be required to change positions or shifts to accommodate a close personal relationship.

### **Public Safety Departments**

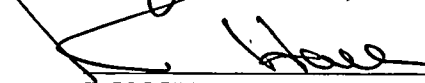
In county departments involving public safety, including the Sheriff's Office and the Grant County Detention Center, an officer or a deputy may not work on the same shift as another officer or deputy, respectively, with whom he or she has a close personal relationship. Where a close personal relationship exists or develops between officers or between deputies holding the same rank, the employee with less seniority will be discharged unless he or she can be moved without creating a burden in the department, to another shift, another building, or another unit, AS DETERMINED BY THE DEPARTMENT HEAD OR ADMINISTRATOR ON A CASE-BY-CASE BASIS. Positions will not be created and other employees will not be required to change positions or shifts to accommodate a close personal relationship. Where a close personal relationship exists or develops between officers or between deputies holding different ranks, the employee holding the higher rank will be discharged from employment, unless he or she can be demoted or moved without creating a burden in the department, to another shift, another building, or another unit, AS DETERMINED BY THE DEPARTMENT HEAD OR ADMINISTRATOR ON A CASE-BY-CASE BASIS. Positions will not be created and other employees will not be required change positions or shifts to accommodate a close personal relationship.

DONE this 31st day of October 2013, in Silver City, New Mexico.

**BOARD OF GRANT COUNTY COMMISSIONERS:**

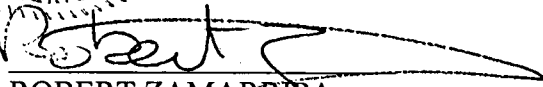
  
BRETT KASTEN, CHAIRPERSON

  
GABRIEL RAMOS, MEMBER

  
RON HALL, MEMBER



ATTEST

  
ROBERT ZAMARRIRA,  
GRANT COUNTY CLERK