

NEPOTISM AND FRATERNIZATION POLICY ACKNOWLEDGEMENT

CDCR 8019 (06/20)

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CANDIDATE/EMPLOYEE INFORMATION

Name (Print First and Last)		Institution/Facility/Program
Check one:		
☐ Applying for a position.	Proposed classification:	
☐ Reporting a relationship.	Current classification:	
☐ Other:	Current classification:	

Department Operations Manual (DOM) Section 33010.25, Nepotism and Fraternization

The Department has established policies to counteract nepotism and fraternization in the workplace.

(a) Policy

It is the policy of CDCR to recruit, hire, and assign all employees on the basis of merit and fitness in accordance with civil service statutes, rules, and regulations. This policy is intended to uphold the merit principle of civil service by preventing and prohibiting preferential treatment or bias due to personal relationships. Nepotism is antithetical to a merit-based personnel system and staff shall not use their personal relationships to aid or hinder others in the employment setting. CDCR reserves the right to initiate mandatory reassignments, employee transfer, or take other administrative action to avoid or correct situations where the potential for employment decisions based on nepotism exists.

(b) Personal Relationship Defined

For purposes of this section, personal relationships include, but are not limited to, an association with another individual by blood, adoption, foster arrangement, cohabitation, current or previous marriages (including in-laws), registered domestic partnership, or romantic relationships.

(c) Hiring Authority, Manager, or Supervisor Responsibilities

The hiring authority, managers, or supervisors must ensure their candidates and employees are aware of the departmental nepotism and fraternization policy, including reporting requirements. The hiring authority, manager, or supervisor shall consider the nepotism and fraternization policy prior to making employment decisions. The hiring authority, manager, or supervisor must inform candidates of the nepotism and fraternization policy at the time of interview. As part of the interview process for any position, regardless of whether the candidate is a current employee, each candidate shall be required to sign a CDCR Form 8019, Nepotism and Fraternization Policy Acknowledgement form to confirm their understanding of this policy. In addition, the hiring authority, manager, or supervisor must take appropriate action to correct violations of this policy. The hiring authority, manager, or supervisor is responsible for requesting an exception/appeal to the policy if necessary (refer to Exception/Appeal Procedures below). Exceptions/appeals to the policy may be granted under limited circumstances.

(d) Employee Responsibilities

- (1) Upon hire employees shall complete and submit a CDCR Form 8019 to their hiring authority, manager, or supervisor.
- (2) Employees shall immediately notify the hiring authority or their respective supervisor when an employment decision is in conflict with the departmental nepotism and fraternization policy. It is the employee's responsibility to read and adhere to the nepotism and fraternization policy.

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CDCR 8019 (06/20)**(e) Employment Settings**

- (1) Employment settings refer to the working relationships of employees and their supervisors. Employees involved in personal relationships may work in the same program, section, or unit as the person with whom they have a personal relationship, however, in accordance with applicable state employment laws and collective bargaining agreements employment settings shall not exist where an employee would:
- (A) Work for the same first-line supervisor as the person with whom they have a personal relationship.
 - (B) Have a direct (first line supervisor), or indirect (second line supervisor) supervisory relationship as the person with whom they have a personal relationship.
 - (C) Work under a hiring authority with whom they have a personal relationship, regardless of departmental separation.

(f) Employment Decisions

- (1) Employment decisions refer to the full array of assessments and actions that involve CDCR and employees and their employment. Employees involved in personal relationships may work in the same program, section, or unit as the person with whom they have a personal relationship, however, employment decisions shall not be made where an employee involved in a personal relationship would:
- (A) Audit the work of, or exercise fiscal control over a person with whom they have a personal relationship, regardless of organizational separation.
 - (B) Hire, promote, transfer, or approve an out-of-class, or re-assignment of a person with whom they have a personal relationship.
 - (C) Participate in the selection process, including assisting with the development of screening criteria and/or interview questions, or serve on a hiring panel of a person with whom they have a personal relationship.
 - (D) Develop, administer, or rate a civil service examination of a person with whom they have a personal relationship.
 - (E) Initiate an administrative investigation or be involved in the discipline process of a person with whom they have a personal relationship.
 - (F) Assign work to a person with whom they have a personal relationship, except in a rare emergency situation.
 - (G) Prepare, conduct, or contribute information on a performance appraisal of a person with whom they have a personal relationship.
 - (H) Approve overtime or any other compensated time/pay of a person with whom they have a personal relationship, when it is on a voluntary basis and another supervisor is available.
 - (I) Approve vacation, sick, or any other type of leave of a person with whom they have a personal relationship, when another supervisor is available.
 - (J) Grant or deny permission to attend a conference or other work-related event of a person with whom they have a personal relationship.
 - (K) Approve reimbursement for work related expenses of a person with whom they have a personal relationship.
 - (L) Adversely affect or influence the safety, security, or morale of employees of a program, section, or unit.
 - (M) Adversely affect or influence the fair and impartial supervision and evaluation of employees.

(g) Exception/Appeal Procedures

- (1) When the employment setting or employment decision violates the departmental nepotism and fraternization policy, the hiring authority, manager, or supervisor shall request and receive approval prior to making an employment decision. Actions to remediate noncompliance may include an involuntary transfer of employees, in accordance with applicable state employment laws and collective bargaining agreements. Under no circumstances should an employee participate in the defined employment decisions with an employee, applicant, or candidate with whom they have a personal relationship.
- (2) The exception/appeal procedures are as follows:
- (A) A written request shall be submitted through the immediate manager or supervisor to the hiring authority, which clearly defines the personal relationship, and the benefit(s) to the State that an exception/appeal would provide (e.g., overcoming a recruitment difficulty or obtaining a uniquely skilled person).
 - 1. For CDCR: Exception/appeal requests involving the hiring authority (Regional Administrator, Deputy Director, Superintendent, etc.) shall be submitted to the next higher level within the hiring authority's chain of command or equivalent, and then to the applicable second higher level within the hiring authority's chain of command or equivalent to render a decision.
 - 2. For CDCR: Exception/appeal requests involving the Warden shall be submitted to the applicable Associate Director or equivalent, then to the applicable Deputy Director or equivalent, and then to the applicable Director or equivalent to render a decision.

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3. For CCHCS: Exception/appeal requests involving the hiring authority shall be submitted to the next level within the hiring authority's chain of command. All exception/appeal requests shall be reviewed by the CCHCS Office of Legal Affairs via the Deputy Director, Human Resources, to render a decision.
- (B) Each exception/appeal request shall be reviewed to assess the potential for, and degree of impact upon the following:
1. Safety, security, and morale of the employees in the program, section, or unit.
 2. Fair and impartial supervision and evaluation of the employee by the supervisor in the program, section, or unit.
 3. Basis of merit and fitness in accordance with civil service statutes, rules, and regulations.
- (C) A written response to the exception/appeal request will be completed within ten (10) working days.
1. If the exception/appeal request is approved, a copy of the approved document(s) shall be forwarded to the appropriate personnel officer. The personnel officer shall place a copy of the approval document(s) in the hiring and recruitment package and in the respective employee's official personnel file.
 2. If an exception/appeal is granted, there shall not be any employment decisions made by the related employees. Another manager or supervisor shall be responsible for employment decisions except in an extremely rare documented circumstance.
 3. If the exception/appeal request is denied, a written explanation of the basis for the denial, shall be provided to the candidate or employee. A copy of the denial document(s) shall be forwarded to the appropriate personnel officer. The personnel officer shall place a copy of the denial document(s) in the hiring and recruitment package, and if applicable, into the respective employee official personnel file. Every effort shall be made to avoid relocation expenses. If an employee must relocate to meet the Department's nepotism and fraternization policy, the Department shall pay any associated relocation expenses. (Refer to the CalHR Rules and Regulations.)

(h) Retention

All Nepotism and Fraternization forms, and any exception/appeal approvals or denials, shall be forwarded to the personnel officer for filing in either the official personnel file or the hiring and recruitment file.

CANDIDATE/EMPLOYEE ACKNOWLEDGEMENT

I acknowledge that I have read and understand the nepotism and fraternization policy as stated in DOM Section 33010.25, Nepotism and Fraternization.

Check one:

- ☐ I do not have any relative(s) or person(s) with whom I have a personal relationship employed by CDCR.
- ☐ I have the following relative(s) or person(s) with whom I have a personal relationship employed by CDCR.
If checked, complete the information below. Use the back of this form if additional space is needed.

Name	Relationship	Institution/Program/Section/Unit	Classification
1.			
2.			
3.			
Signature		Date	

Name (Print First and Last)	Classification
Review DOM Section 33010.25 to determine whether the personal relationship(s) listed above are in conflict with the nepotism and fraternization policy.	
Check one:	
☐ No conflict.	
☐ Conflict: Relationship #1: ☐ Relationship #2: ☐ Relationship #3: ☐ All Relationships: ☐ Submit this form with a written request for exception/appeal to the hiring authority or designee.	
Signature	Date

Name (Print First and Last)	Classification
Review DOM Section 33010.25 to determine whether an exception/appeal to the nepotism and fraternization policy is approved or denied.	
Check one:	
☐ Exception/appeal approved.	
☐ Exception/appeal denied. State the reason for denial:	
Signature	Date