



# **GENERAL ORDER**

## **Conflicts of Interest**

### **Purpose and Scope**

The purpose of this order is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination, nepotism, and conflicts of interest by or between employees of this department. These employment practices include but are not limited to, recruiting, testing, hiring, promotional opportunities, assignment, access to training opportunities, supervision, performance appraisal and discipline.

This order clarifies the definition of "conflicts of interest" and outlines the process for identifying relationships and affiliations that must be disclosed as potential conflicts of interest.

### **Affected Personnel**

All employees

### **Effective Date**

September 30, 2016

## **I. Definitions**

**Business Relationship:** Includes serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction with one or more other Department employees where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.<sup>1</sup> "Business relationship" does not include serving on the board of a recognized bargaining unit.

**Conflicts of Interest:** Situations in which an individual has competing interests or loyalties. Any situation in which it reasonably appears an employee's action, inaction or decisions are or may be influenced due to a personal, familial or business relationship.

**Familial:** Related to by blood or marriage, i.e. a relative

**Nepotism:** The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

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<sup>1</sup> Gov. Code §§ 1125-1129.

**Personal Relationship:** Includes marriage, cohabitation, dating, or other intimate relationship, beyond mere friendship.

**Recusal:** Refers to the act of being removed or voluntarily abstaining from an official action.

**Relative:** Includes spouse; registered domestic partner; child; child of registered domestic partner; parent; grandparent; grandchild; uncle; aunt; brother; sister; brother-in-law; sister-in-law; mother-in-law; father-in-law; any child or close relative who resides with the employee, and grandparent-in-law.

## **II. Restrictions**

- A. The Department prohibits any supervisor or manager from engaging in an undisclosed personal relationship with an employee of subordinate rank.
- B. Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
- C. Personal relationships between a superior and his/her subordinate are strongly discouraged.

## **III. Disclosure Requirements**

- A. If a personal relationship develops between a subordinate and his/her superior, it shall be the responsibility of both employees to promptly disclose the relationship to an uninvolved superior.
  - 1. Upon determining a personal relationship exists, the department reserves the right to transfer or reassign the superior to another assignment within the same classification to avoid conflicts with any provision of this order.
  - 2. Until a reassignment can be accommodated, the supervisor or manager shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor or manager.
- B. An employee shall notify his/her immediate supervisor promptly, in writing, of any personal or familial relationship involving a probationer under the supervision of the Probation Department if the employee knows, or reasonably should know, the relationship could create a conflict of interest.
  - 1. The employee's supervisor shall forward the notification through the chain-of-command.
  - 2. Upon notification of a personal or familial relationship, as specified above, the employee's immediate supervisor and/or manager will review the situation and establish an acceptable solution to any potential conflict.
  - 3. The notification shall be retained in the reporting employee's personnel file until the employee notifies his/her supervisor that the conflict no longer exists.
  - 4. Once the initial notification is provided, it is not necessary for an employee to

