Section 3 Human Resources Department Subject 3.3 Employment **Policy 3.3.6** Employment of Relatives (Nepotism)	04/01/90 - Originated 09/07/12 - Revised w/changes - Revised w/out changes 10/03/12 - Effective Human Resources - Author

Employment of Relatives (Nepotism)

Policy

UTMB may not hire into the same supervisory chain employees who are related within the second degree by affinity or the third degree by consanguinity (see attached chart for description of degrees). If reorganization, promotion or other administrative action places two employees related in the above specified degree in the same supervisory chain, one may not supervise the other. The Vice President for Human Resources or designee must ensure that personnel transactions are in compliance with the Regents' Rules and Regulations and assist with reporting of any exceptions annually via the institutional docket or the annual operating budget.

Guidelines for Hiring of Relatives

Whenever an appointment is made, either on a full-time or part-time basis, it shall be made solely with regard to the qualifications of the appointee, subject to applicable statutes; and subject also to the employment of relatives (i.e., nepotism) provisions set forth in Regents' Rules 30106.

Even though the appointment of a person would not be prohibited by the Texas Government Code, no supervisor may approve, recommend, or otherwise act with regard to the appointment, reappointment, promotion, or salary of any person related to such officer, official, or employee who is related within the second degree by affinity, or the third degree by consanguinity regardless of the source of funds for payment of salary.

1. If reorganization, promotion or other administrative act places a relative within the above specified degree under such supervisor, or places a relative in a supervisory position over such employee, all further administrative actions shall be the responsibility of the next highest administrative supervisor.
2. This also applies when two employees marry, and one spouse is the administrative supervisor of the other. In situations such as those described in the preceding paragraph, the next highest administrative supervisor shall prepare a written performance appraisal at least annually. For classified employees, the appraisal must be submitted for approval or disapproval to the V.P. Human Resources; and, in the case of faculty or non-classified employees (e.g., A&P, non- teaching, etc.), to the President.
3. The VP for Human Resources will maintain a list of all

situations covered by this policy.

Guidelines for Hiring of Relatives, continued

4. Each year, the VP for Human Resources and the Correctional Managed Care Human Resources Director will submit this list with the annual operating budget.
5. The State of Texas Attorney General has issued an opinion letter that nepotism law is also applied to individuals hired as private contractors.

Guidelines for Supervisors who are Related

Employees or groups of employees who are managed by supervisors who are related are entitled to an unbiased review of their performance or alleged misconduct without perceived interference by the related supervisors. Any allegations of misconduct or performance related issues must be managed by the next highest administrative manager in the supervisory chain. For example, Supervisor A manages group A, and Supervisor B manages group B. Supervisor A and Supervisor B are related. Any allegations by group A employees regarding group B supervisor must be determined by each manager of both Supervisor A and B to ensure that the employee receives an unbiased review.

Guidelines for Certain Relatives of Board of Regents Members

No person related to any member of the Board of Regents within the second degree by affinity (relationship by marriage) or within the third degree by consanguinity (blood relationship) shall be eligible for an appointment to any office, position, employment, or duty with UTMB when the salary, fee, or compensation of such appointee is to be paid, either directly or indirectly, out of public funds of any kind.

This does not prohibit the reappointment or continued employment of any person who shall have been continuously employed in any such office, position, employment, or duty for a period of 30 days prior to the appointment of the member of the Board of Regents related to such person within the prohibited degree, nor does it apply to prohibit honorary or non-remunerative positions, provided that when such person is reappointed or continued in employment, the member of the Board of Regents who is related in the prohibited degree shall not participate in the deliberation or voting upon the reappointment, continuation of employment, change in status, compensation or dismissal of such person, if such action applies only to such person and not to a bona fide class or category of employees.

References

Vernon's Texas Civil Statutes, Article 5996.

Texas Government Code, §573.001 et seq.
Regents' Rules and Regulations 30106
Opinion, State of Texas Attorney General, No. DM-76 (1992)

Degrees of Nepotism	**Degree of Nepotism**	**Consanguinity (Blood) Employee's**	**Affinity (Marriage) Spouse's**
	First Degree	Father Mother Son Daughter	Father Mother Son Daughter
	Second Degree	Brother Sister Grandfather Grandmother Grandson Granddaughter	Brother Sister Grandfather Grandmother Grandson Granddaughter
	Third Degree	Great Grandfather Great Grandmother Uncle* Aunt* Nephew** Niece** Great Grandson Great Granddaughter	

* who is a sister/brother of the officer's/employee's parent
** who is a child of the sister/brother of the officer/employee