

Metro | Policies and procedures

Subject Nepotism and Personal Relationships in the Workplace
Section Human Resources
Approved by Martha Bennett, Chief Operating Officer; MERC Commission

POLICY

Metro complies with applicable laws regulating the employment of family members and household members in public employment and maintains procedures to prevent favoritism or unfairness in the workplace due to family and personal relationships.

Applicable to

All employees, interns, volunteers and applicants for these positions.

Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.

Definitions

Chain of command: A sequence of positions in which there are increasing levels of supervisory authority. For example, if Director A supervises Manager B who in turn supervises Employee C, Director A and Employee C are in the same chain of command even though the supervisory relationship is indirect. Positions may be in the same chain of command even if they are based at different worksites.

Family members: For the purposes of this policy, family members include spouses, children (including stepchildren), parents (including stepparents), siblings (including half and step siblings), aunts, uncles, nieces, nephews, grandparents, grandchildren, domestic partners and equivalent family members of an employee's spouse or domestic partner.

Nepotism: Favorable treatment based on a close personal relationship without regard to merit.

Span of Control: All positions in a subordinate reporting relationship to a supervisor or manager.

Guidelines

1. No employee or applicant for employment or promotion will be treated differently or adversely solely because a family member works or has worked for Metro, subject to the other requirements of this policy.

2. Family members, household members and romantic partners shall not work together in a direct supervisory-subordinate relationship under any circumstances.
3. Family members, household members or romantic partners in the same department, chain of command, or span of control are cautioned to conduct themselves professionally or be subject to discipline and possible separation of the working relationship.
4. Employees must notify the Department Director or HR Director of any current or potential supervisor-subordinate relationships that may be prohibited or subject to a review requirement under this policy.

Procedures

Employment decisions

1. An employee may not appoint, employ, promote, discipline, demote, or fire a family member, household member or romantic partner.
 - a. No employee may participate in any official discussion or decision related to the employment of a family member, household member, or romantic partner, even if the employees do not work in the same department, chain of command, or span of control.
 - i. Example: No employee may serve on an interview panel or otherwise participate in the screening process for a position for which a family member, household member or romantic partner is a candidate.
 - ii. Exception: Metro may obtain an employee's statement about an employee who is a family member, household member or romantic partner if it is material to an internal or legal investigation and consistent with business necessity and applicable law. The relationship will be noted and taken into account when evaluating the statement.
 - b. In order to comply with legal conflict of interest requirements, the HR Director and Office of Metro Attorney (OMA) must be consulted immediately in any situations that could fall under this policy.

Supervisory relationships

2. Family members, household members, and romantic partners shall not work together in a direct supervisory-subordinate relationship under any circumstances.
 - a. If employees are in a relationship prohibited by this policy, they must notify the Department Director or HR Director and propose a plan for separating the supervisory-subordinate working relationship.
 - b. One employee or the other must transfer to a different position in the agency or leave employment within 30 days. The HR Director may extend this time period if there is a clear plan and timeline for separation and an extension is consistent with Metro's legal, ethical, and business interests.
 - c. The affected employees are responsible for recommending which employee will transfer or leave employment. The final determination will be made by the HR Director.
 - d. If no solution is reached within the designated time period, both employees will be terminated.

Responsibilities

Employees:

- Notify the Department Director or HR Director of any current or potential supervisor-subordinate relationships that may be prohibited or subject to review under this policy.

Department Directors:

- Notify the HR Director of any current or potential supervisor-subordinate relationships that may be prohibited or subject to Director review under this policy.

HR Director:

- Make decisions about current or potential supervisor-subordinate relationships that may fall under this policy in consultation with the Department Director and OMA.

References

ORS 659A.309 (prohibition against discrimination solely because of employment of another family member)

ORS 244.177 – 244-179 (employment and supervision of family members and household members – requirements for public employers)