

#22-I

Prepared by Atlas & Hall, LLP

**PROPOSED NEPOTISM POLICY
HIDLAGO COUNTY, TEXAS**

POLICY STATEMENT. The Hidalgo County Nepotism Policy (the "Policy") has been created to prevent conflicts of interest and appearances of favoritism that result from appointment, reappointment, and/or supervision of an employee by a public official or supervisor as defined below.

SCOPE. This Policy applies to public officials of Hidalgo County and Hidalgo County Drainage District No.1. For purposes of this Policy, a "public official" shall include elected officials and any officer of the County that has the authority to hire, fire, promote and adjust salaries (collectively "Public Official"). This Policy also applies to **supervisors** or persons responsible for the actions of other employees who directly oversee the performance and/or job duties of employees ("Supervisors").

AVOIDANCE OF NEPOTISM. No Public Official may approve, recommend, or otherwise take action with regard to the appointment, reappointment, promotion, salary or supervision of an employee or prospective employee in which he or she is related to such employee or prospective employee in the degrees described below.

A Supervisor may not oversee the job performance and/or job duties of an employee who is related to the Supervisor in the degrees described below, regardless whether the Supervisor has the authority to hire, fire, promote, or adjust the salary of the employee.

RELATIONSHIP BY BLOOD (consanguinity). A Public Official or Supervisor is related in a degree prohibited by this Policy when the Public Official or Supervisor is a descendant of an employee or prospective employee or if they share a common ancestor.

The following relationships by consanguinity are prohibited by this Policy.

- **First Degree.** A Public Official or Supervisor who is the parent or child of a prospective employee is related in the first degree by consanguinity. An adopted child is treated as a natural child of the adoptive parents.
- **Second Degree.** A Public Official or Supervisor who is the grandparent, grandchild, sister or brother of a prospective employee is related in the first degree by consanguinity.

- **Third Degree.** A Public Official or Supervisor who is the great grandparent, great grandchild, aunt, uncle, nephew or niece of a prospective employee is related in the third degree by consanguinity.

RELATIONSHIP BY MARRIAGE (affinity). A Public Official or Supervisor is related to an employee or prospective employee in a degree prohibited by this Policy if the Public Official or Supervisor is married to the employee or if their spouse is related by consanguinity (as defined herein) to the employee or prospective employee. Divorce or death of a spouse terminates relationships by affinity created by marriage unless a child of the marriage is living.

The following relationships by affinity are prohibited by this Policy.

- **First Degree.** (1) A Public Official or Supervisor and his/her spouse are related in the first degree by affinity; (2) A Public Official's or Supervisor's spouse's mother, father, son and daughter are related to the Public Official or Supervisor in the first degree by affinity.
- **Second Degree.** A Public Official or Supervisor's spouse's grandparents, grandchildren sisters and brothers are related to the Public Official or Supervisor in the second degree by affinity.

DISCLOSURE RESPONSIBILITY. Public Officials and Supervisors are required to fully disclose the existence of any relationship that may create a conflict of interest at the time of employment, or that develops at any time during employment.

CONTINUOUS EMPLOYMENT EXCEPTION. This Policy shall not apply to the confirmation or appointment of an individual to a position if the individual is employed in a position immediately before the election or appointment of the Public Official or Supervisor to whom the individual is related in a prohibited degree and that prior to employment is continuous for at least:

1. 30 days, if the Public Official or Supervisor is appointed; or
2. 1 year, if the Public Official is elected at the general election for state and county officers.

If a person continues in a position under an exception, the Public Official or Supervisor who is related to the employee shall not participate in any deliberation or voting on the appointment, reappointment, employment, reemployment, change in status, compensation, or dismissal of the employee, if the action applies only to the employee and is not taken regarding a bona fide class or category of employees.

TRADING. It is illegal for a Public Official to evade the provisions of the nepotism statutes by trading (see Government Code 573.044). An example of

trading would be if a Public Official employed the relative of a person subject to the nepotism laws, in return for which that person employed a relative of the Public Official, given the fact that neither employer could legally employ his or her own relative.

PENALTIES. If a Public Official commits an offense involving misconduct under this Policy, the Public Official violates the Texas nepotism statutes codified in Texas Government Code Chapter 573. An offense is a misdemeanor punishable by a fine not less than \$100.00 or more than \$1000.00.

If a Supervisor fails to report a violation of this Policy in which he is affected by the degrees of relationship prohibited herein, the Supervisor may be subject to reassignment and/or discipline, including termination.