

*Adopted: Orig. 12/22/2020*

*Revised:*

## **426 NEPOTISM IN EMPLOYMENT**

### **I. PURPOSE**

The purpose of this policy is to establish consistent employment guidelines and to prevent situations where an individual may have or be perceived to have unfair influence over the career development, work assignments, work direction, performance reviews, or compensation of a family member who is also employed by Technical Academies of Minnesota.

### **II. GENERAL STATEMENT OF POLICY**

Technical Academies of Minnesota may employ family members of current employees. However, to be hired, transferred, or promoted, close family members may not be assigned to the following:

- A. Positions where one can influence the employment conditions or career of the other. This includes decisions involving hiring, termination, compensation, performance evaluation, discipline, promotional opportunities, and work assignments; or
- B. Positions where one reports to, directs the work of, or otherwise has direct or indirect supervision of another family member.
- C. Serve on a committee whereby they would have influence as described in part A.

### **III. DEFINITIONS**

#### **A. Close Family Member**

A close family member means the employee's parent, spouse, child (including adopted child), sibling, grandmother, grandfather, grandchildren, niece, nephew, aunt, uncle, first cousin, all step relatives including stepchild, stepmother, stepfather, stepsister and stepbrother, in-law relationships including father- and mother-in-law, daughter, and son-in-law, brother- and sister-in-law, ward of the employee or employee's spouse, domestic partner, or person cohabitating in the employee's household regardless of the degree of the relationship.

#### **B. Direct or Indirect Supervision**

Direct or indirect supervision means the authority to make, participate in, or recommend employment- and/or compensation-related decisions involving a close family member, including, but not limited to, decisions concerning hiring, promotion, transfer, discipline, termination, salary, evaluation, grievance resolution, or other similar personnel actions.

#### **IV. APPLICATION TO BOARD MEMBERS**

Board members are not considered to have direct or indirect supervision except in situations when they are called upon to act specifically on matters of employment status or compensation for an applicant or employee. In such cases, board members shall abstain from the action when a close family member is involved.

#### **V. EXCEPTIONS; SPECIAL CIRCUMSTANCES**

In exceptional circumstances, a direct or indirect supervision relationship may exist between employees who are close family members. Such circumstances may be necessitated by factors such as the unique qualifications or responsibilities of the individuals involved, the lack of other available appropriate supervisory personnel, or whether the position for which the close family member is being considered is temporary in nature. Any exception must be reviewed and approved in writing by TAM's School Board. Any direct or indirect supervision relationship must be approved by the School Board. All employment decisions affecting the subordinate employee, including, but not limited to, selection, hiring, discipline, performance review, compensation, or leave, must be assigned to other committee members, or if not possible to the School Board.

#### **VI. ADDRESSING EXISTING CONFLICTS AND CHANGES IN RELATIONSHIP BETWEEN EMPLOYEES**

Any charter school employee involved in a direct or indirect supervision relationship with a close family member that existed prior to the original approval date of this policy or that arises after the adoption of this policy shall promptly notify the school board of such relationship. The school board shall make suitable arrangements for the transfer of one of the employees, assignment of a different supervisor, or a determination that an exception is necessary under Section V. of this policy. Any direct or indirect supervision relationship approved by the school board under Section V. shall be included in the minutes of the next board meeting. The sites shall promptly notify the charter school's board of directors of any direct or indirect supervision relationship which arises concerning a close family member as a result of this policy. All such relationships shall be resolved by the board of directors in accordance with this policy.

#### **VII. COMPLIANCE WITH EQUAL OPPORTUNITY AND DISCRIMINATION LAWS**

Nothing in this policy shall be construed as discouraging the employment of a close family

member for positions that do not involve direct or indirect supervision. Nothing in this policy shall be construed to otherwise limit the employment opportunities of any person employment by Technical Academies of Minnesota.

*Legal References:* Minn. Stat. § 124E.07 (Charter Schools)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
42 U.S.C. § 2000e et seq. (Title VII of the Civil Rights Act)

*Cross References:* MSBA/MASA Model Policy 210.1 (Conflict of Interest - Charter School Board Members)  
MSBA/MASA Model Policy 401 (Equal Employment Opportunity)