



## **426 Nepotism in Employment**

*[Note: Charter schools are required by the charter school law to have a policy addressing this issue.]*

### **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 the charter school. North Shore Community School strives to create an environment where all employees are valued equally without the appearance of irregularities or improprieties that can lead to workplace dysfunction.

### **II. General Statement of Policy**

The charter school 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 and participation related to interviewing, 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 close family member. Potential employees are required to disclose their relationship to a school member who is a close family member during the application process. Willful breaches of this policy may result in employee discipline up to and including reassignment or termination of employment.

### **III. Definitions**

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, significant romantic relationship, domestic partner, or person cohabitating in the employee's household regardless of the degree of relationship.

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, scheduling, reclassification, committee expectations and related duties, special projects, leave requests, or other similar personnel actions.

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#### **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 requested exception must be reviewed and if approved submitted to the board in writing by the charter school's Executive Director. 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 appropriate supervisory personnel, or, if no other appropriate supervisory personnel exist, to the charter school's board of directors. The charter school's Executive Director requesting an exception for him/herself shall submit the request in writing to the board of directors for review.

#### **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 notify the charter school's Executive Director of such relationship immediately. The Executive Director shall make suitable arrangements for the 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 Executive Director under Section V. shall be reported to the board of directors. The Executive Director shall immediately notify the charter school's board of directors of any direct or indirect supervision relationship which arises concerning a close family member of the Executive Director. All such direct or indirect supervision relationships involving the chief administrator 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 close family members 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 employed by the charter school.

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*Legal References:*

*Minn. Stat. § 124E.07, Subd. 6 (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)*

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