

808.34 SUBJECT: EMPLOYMENT OR PLACEMENT OF RELATIVES

:1 OBJECTIVE:

To define City policy concerning employment and/or placement of relatives of City of Orlando employees.

:2 AUTHORITY:

This procedure amended by City Council June 18, 2007.

:3 DIRECTION:

Human Resources Division Manager, Department Directors, Division Managers, and Executive/Administrative Officials.

:4 METHOD OF OPERATION:

A. Definitions.

For the purpose of this procedure, the words or phrases shall be defined as follows:

Relative - One who is related to an employee, as father, mother, son, daughter, brother, sister, uncle, aunt, grandfather, grandmother, cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister. An employee's cohabitant shall be considered a relative for the purpose of this policy only.

Cohabit/Cohabitant - To live together as though husband and wife.

Public Official - Includes employees with the vested or delegated authority to appoint, employ, promote, advance, or discipline others; as well as those who can effectively recommend individuals for appointment, employment, promotion, advancement, or discipline.

B. Policy

1. A relative or cohabitant of a City employee applying for a position in the City shall complete a Statement of Relationship (Form 808.34.1) at the time application is filed or prior to being interviewed. . All applicants that apply online will be notified by email that they must complete the Statement of Relationship form and fax it back to the Human Resources Division prior to being interviewed.
2. Public officials may not appoint, employ, promote, or advance a relative or cohabitant within the organizational unit(s) over which they exercise jurisdiction or control. Further, public officials may not advocate the appointment, employment, promotion, or advancement of a relative or cohabitant within the organization, even if such position is not under their jurisdiction or control.
3. A relative or cohabitant of a City employee shall not be employed if the relationship reasonably could be said to result in or create the appearance of any action, whether or not specifically prohibited, of:

- a) Offering or encouraging preferential treatment of the employee or relative.
 - b) Impeding City efficiency or economy.
 - c) Losing complete independence or impartiality.
 - d) Making a City decision outside of official channels.
 - e) Affecting adversely the confidence of the public in the integrity of the City.
 - f) Creating any other conflict of interest (see Section 800.5) which substantially will affect the performance or non-performance of the employee's or relative's official duty.
4. Should two employees working for the City of Orlando become related by marriage, or begin to cohabit, both shall complete a Statement of Relationship (Form 808.34.1) for evaluation by the Department Directors, Division Manager(s), and Office Head(s). If there is a violation of the provisions outlined in paragraphs B2 or B3 of this policy, one employee must resign or, if convenient to the City, be transferred to another position within thirty (30) days. If one of the two employees does not resign or transfer within thirty (30) days, and the violation continues, one or both employees may be terminated. (See State Statute 112.3135, Restriction of Employment of Relatives).
 5. Violation, at any time, of these provisions shall be sufficient cause for immediate dismissal.
 6. The employee is responsible for keeping the Statement of Relationship up to date. If there is a change in either the relationship (marriage, divorce, adoption) or the City position, a new Statement must be submitted.
 7. An employee adversely affected by a ruling on any of the provisions contained herein, may file an appeal for resolution of the grievance, as provided for in Policy and Procedures Manual, Section 808.21, "Grievance Procedure."
 8. Prospective new hires for the City that have a relative and/or cohabitant currently employed with the City, shall be required to complete a Statement of Relationship form at the time of application or prior to being interviewed. The Department Director, Division Manager, or Office Head for the hiring office will review the relationship for adherence to the provisions of this policy and make a recommendation to the Human Resources Division. The Statement of Relationship form must be completed and signed by all parties prior to processing the new hire for employment with the City.

:5 FORMS:

Statement of Relationship Form 808.34 (10/89).

:6 COMMITTEE RESPONSIBILITIES:

None.

:7 REFERENCE:

Florida Statute 112.3135. City Council Minutes, March 16, 1964, Item 39; (Supervisors Policy Manual, Section 621, Employment of Relatives; Policy and Procedures Manual,

Section 708.34); amended May 20, 1974, Item 30; amended January 27, 1975, Item 23; amended June 20, 1977, Item 4; renumbered to 808.34 and amended October 9, 1989, Item 20, A-26; amended May 11, 1998, Item 6-A. This procedure rescinds and supersedes previous City Council actions on this subject; amended September 15, 2003; re-formatted only April 2004; amended June 18, 2007, Item A2.

:8 EFFECTIVE DATE:

This procedure effective June 18, 2007.

