

UC SANTA BARBARA POLICY AND PROCEDURE

Employment of Near Relatives

Contact: Human Resources, Employment

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Supersedes: Employment of Near Relatives as Staff Personnel, Policy 5840, March 1, 1973

Pages: 3

EMPLOYMENT OF NEAR RELATIVES

I. SCOPE

This policy governs all employees and applicants for all staff positions. Staff positions include career and limited positions, contract employees (such as coaches, development officers, other professional positions), and casual restricted student positions. If you are unsure whether a particular position is a staff position, contact Human Relations – Employment.

II. DEFINITIONS

For the purpose of this policy, a near relative is defined as a spouse, domestic partner, parent, child (including the child of a domestic partner), or sibling. In-laws and step-relatives in the relationships listed, including relatives of the domestic partner who would be covered if the domestic partner were the employee's spouse, are also defined as near relatives.

III. POLICY

- A. Consistent with the University's policy on equal opportunity and nondiscrimination in employment, the appointment of a near relative in the same department may be permitted. The appointment must be justified as being in the best interests of the University; reasonable safeguards against conflict of interest must be implemented; and the appointment must be approved by the chancellor or by the director of Human Resources or their designee before an offer to hire is made.
- B. Prior approval from the chancellor or the director of Human Resources or their designee is also required for two employees to remain in the same department, once they become near relatives. If approved, reasonable safeguards against conflict of interest must be implemented immediately.
- C. The written approval shall be retained in the employees' departmental personnel file until two years after the date the near relatives no longer work in the same department. A written denial shall be retained until two years after the date of its issuance.
- D. If a near relative leaves and then seeks to return to working in a department with a near relative, after a break in service with that department, a new request form shall be submitted for review prior to a hiring decision.

IV. RESPONSIBILITIES

- A. **Hiring authorities** proposing to employ near relatives are responsible for obtaining appropriate approvals prior to making an employment offer to a candidate. If the hire is approved, hiring authorities are responsible for ensuring that safeguards against conflict of interest are implemented by the beginning of the appointment, and are monitored thereafter.

- B. **The director of Human Resources or designee** is responsible for determining whether the proposed hire has been justified as being in the best interests of the University and that the safeguards against conflict of interest are sufficient. The director of Human Resources or designee shall consult with the controller or associate controller regarding appropriate safeguards.

V. PROCEDURES

A. Hiring Near Relatives

1. The hiring authority, prior to a hiring decision, requests approval to hire a near relative of an employee to work in the same department as the near relative by completing a Request Form for the Employment of a Near Relative (Appendix A) and sending it to the director of Human Resources or designee.
2. The director of Human Resources or designee, after receiving the completed form and required attachments, reviews the request and consults with the controller or associate controller, as appropriate, regarding conflict of interest mitigations.
3. The director of Human Resources or designee, upon completion of the request's review, notifies the hiring authority, in writing, of his/her decision, and where applicable, communicates any conditions for the employment (such as required mitigations).
4. The hiring authority, on receipt of the written decision from Human Resources, ensures the record is filed in the departmental personnel file and retains:
 - a. Approvals until two years after the date the near relatives no longer work in the same department or
 - b. Requests that are not approved, until two years after the date of their issuance.
5. If approved, the hiring authority may proceed with the hiring process. If the request is denied, the hiring authority shall not hire the near relative.

B. Retaining Employees Who Become Near Relatives

1. The employees who will become near relatives are required to notify their supervisor, if the employees will be working in the same department at the time they will become related.
2. The supervisor(s), if not the hiring authority for the department, is required to notify the hiring authority.
3. The hiring authority is required to request approval to enable the two individuals employed in the same department, to remain in the same department after they become near relatives by completing a Request Form for Retaining Near Relative Employees (Appendix B) and sending it to the director of Human Resources or designee.

4. The director of Human Resources or designee, after receiving the completed form and required attachments, reviews the request and consults with the controller or associate controller, as appropriate, regarding conflict of interest mitigations.
5. The director of Human Resources or designee, upon completion of the request's review, notifies the hiring authority, in writing, of his/her decision, and where applicable, communicates any conditions for the continued employment (such as required mitigations).
6. The hiring authority, on receipt of the written decision from Human Resources, ensures the record is filed in the departmental personnel file and retains:
 - a. Approvals until two years after the date the near relatives no longer work in the same department or
 - b. Requests that are not approved, until two years after the date of their issuance.
7. If approved, the hiring authority may continue to retain both employees in the same department. If the request is denied, the hiring authority shall consult with Human Resources to determine appropriate next steps.

VI. RELATED POLICIES

[University of California Business and Finance Bulletin G-39, Conflict of Interest Policy](#)

[University Of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment](#)

[University of California Personnel Policies for Staff Members \(PPSM\), Section 21.G](#)

VII. APPENDIX

[Request for Employment of a Near Relative](#)

[Request for Retention of Near Relative Employees](#)