

POLICY NAME:	205.05: Supervision and Evaluation of Relatives
EFFECTIVE:	01-25-07
SUPERSEDES:	
SOURCE:	Alabama State Board of Education Action Item IX.A.3. dated January 25, 2007
CROSS REFERENCE:	

1. DEFINITIONS

- A. **Employing Authority.** For the purposes of this policy, the Employing Authority refers to those responsible for employment in the Alabama College System and includes the following: the Chancellor of the Alabama Department of Postsecondary Education; any member of the Alabama State Board of Education; a President of an Alabama College System college or university; a System-level Director of any other Alabama College System agency, entity, or department, including CITY Program, Skills Training Consortia, Alabama Industrial Development Training Institute and Alabama Technology Network.
- B. **Relative.** For the purposes of this policy, Relative includes the following: spouse, dependent, adult child and his or her spouse, parent, spouse's parents, sibling and his or her spouse, of an Employing Authority.
- C. **Conflict of Interest.** For the purposes of this policy, Conflict of Interest includes the following: a supervisor/subordinate relationship between two related persons within the same operating department or unit; an employing authority or a relative having or appearing to have influence over a relative's compensation, performance evaluation, or job security; an employing authority or a relative having an auditing or control relationship to a relative's job; a relative of an employing authority reporting directly to the Employing Authority of any Alabama College System department, agency, entity, or institution.

2. SUPERVISION

- A. Within 15 calendar days of the employment of an individual by the Employing Authority of an Alabama College System department, agency, entity, or institution, regardless of placement on salary schedule, position, or compensation, and regardless of whether the employment is temporary or the result of a search process, the individual shall complete a Family Relationship Disclosure Form. Such form shall contain the name of the individual; the name of the Alabama College System department, agency, entity, or institution employing the individual; the position and/or title for which the individual is employed; salary schedule, rank, step, and the annual salary of the individual; and the date on which employment commences. Such form shall also contain a statement by the individual regarding whether or not the individual is a relative of any Alabama College System Employing Authority and shall identify such Employing Authority and such relationship. Additionally, the Family Relationship Disclosure Form shall contain a statement by the individual regarding whether the individual is a relative of another employee of that same Alabama College System department, agency, entity, or institution and shall identify the other employee and such relationship.

- B. In a situation where an employee may marry, become a relative of, or otherwise establish a close personal relationship with an employing authority, such change of circumstances shall be disclosed in writing by the employee to the Human Resources Office of the affected Alabama College System department, entity, or organization within 15 calendar days. Upon receipt of such notice of change of circumstances, the affected Alabama College System department, agency, entity, or institution shall notify the Chancellor of the Alabama Department of Postsecondary Education who will then inform the members of the Alabama State Board of Education on a monthly basis.
- C. In the event election results, marriage, or other changes of circumstances require special consideration or accommodation under these policies, every effort should be made to abide by these policies in their present form. However, the State Board of Education may adjust these policies when unusual circumstances result from election results, marriage, etc.
- D. In the event of the pre-existence of the employment of a relative of an employing authority, or in the event that a pre-existing employee becomes a relative of an employing authority or in the event that an employee is or becomes a relative of another employee at the same Alabama College System department, agency, entity, or institution, the employment relationship will be reviewed by outside legal counsel to determine whether or not a conflict of interest exists. In the event that outside legal counsel determines the existence of a conflict of interest, the employing authority will reassign, reorganize, or take other appropriate action to minimize or eliminate the conflict of interest. Such action will not negatively impact the compensation or status of the relative.
- E. In the event of the pre-existence of the employment of a relative of an employing authority, or in the event that a pre-existing employee becomes a relative of an employing authority, such relative shall not be eligible for any extraordinary or unscheduled salary increases, extraordinary or unscheduled title changes, extraordinary or unscheduled promotions, or other extraordinary or unscheduled employment actions during the term of service of the employing authority. For the purposes of this Section E, employing authority includes the Chancellor of the Alabama Department of Postsecondary Education, any member of the Alabama State Board of Education, and the employing authority for that specific agency, entity, organization, college, or university but does not include Presidents of other colleges and universities or System-level Directors of any other Alabama College System agency, entity, or organization.

3. EVALUATION AND CORRECTIVE ACTION

- A. In the event that a relative of an employing authority is or becomes employed by an Alabama College System department, entity, or organization, all annual and other evaluations (whether written or oral) of the performance of such relative shall be performed by a three-person committee consisting of the Director of Human Resources, the direct supervisor of the relative, and a third employee at the department, entity or institution, to be appointed by the Chancellor. The third employee at the department, entity, or institution shall be appointed by the Employing Authority of the Alabama College System department, agency, entity, or institution. However, if said Employing

Authority has a personal vested interest, then the Chancellor shall appoint the third employee. None of the three members of the committee may be the Employing Authority of the Alabama College System department, agency, entity, or institution. The same committee shall be responsible for any corrective action to be administered to the relative. Copies of such evaluation shall be forwarded to the Office of the Chancellor.

- B. In the event that any other Conflict of Interest is identified, all annual and other evaluations (whether written or oral) of the performance of such relative shall be performed by a three-person committee appointed by the Employing Authority and consisting of the Director of Human Resources, the direct supervisor of the relative, and a third employee outside the line of authority in which the Conflict of Interest occurs. The same committee shall be responsible for any corrective action to be administered to the relative.