

# CITY OF COLUMBUS, MISSISSIPPI

## NEPOTISM AND CONFLICT OF INTEREST PROHIBITED

### 1. Introduction.

Public officers, including employees of the City of Columbus, are governed by the Ethics in Government Statute, 25-4-101 of the Mississippi Annotated Code of 1972. The City also adopts the Mississippi Nepotism Statute, 25-1-53, for its employees as well. Nothing in this Personnel Policy is designed to be less restrictive than the provisions of the Nepotism and Ethics in Government statutory provisions. To the extent this Personnel Policy may be more restrictive than State law requires, then this Policy will control. To the extent this Personnel Policy may be construed in such a way that it is more lenient than State law requires, then the State Nepotism and Ethics in Government provisions cited immediately above shall control.

### 2. Nepotism/Conflict of Interest – Prohibited.

The employment of relatives, as defined herein, and individuals who are involved in dating relationships, as defined herein, in the same department of the City of Columbus may cause serious conflicts of interest, and may also result in a violation of the State nepotism law and this Policy. Such employment would also result in perceived problems with favoritism and affect negatively the morale of other employees. In addition to claims of partiality and favorable treatment at work, nepotism violations and the perceived ethical issues relating from such perception, and personal conflicts from outside the work environment, can also be carried over into day-to-day working relationships and are therefore to be avoided.

#### A. *Relative*, defined.

For purposes of this Policy, a relative is defined as any person who is related by blood or marriage within the third degree of kinship as computed by the Rule of Civil Law. This includes persons who are related by adoption, and related by the half-blood, including stepbrothers and sisters, or mothers and fathers. The third degree of kinship includes: **mother, father, sister, brother, grandparent, great-grandparent, grandchild, great-grandchild, aunt, uncle, niece, nephew, half-brother, half-sister, step-mother, step-father, step-sister, and step-brother.**

#### B. *Dating Relationship*, defined.

For purposes of this Policy, a dating Relationship is defined as a relationship that may be reasonably expected to lead to the formation of a romantic or sexual relationship. This Policy applies to all employees without regard to their gender or sexual orientation.

C. *Conflict of Interest*, defined.

For purposes of this Policy, a conflict of interest occurs when an employee of the City shall use his official position to obtain any pecuniary benefit for himself (other than lawful compensation), or to obtain any pecuniary benefit for himself or any relative, or any business with which they are associated, or to obtain any pecuniary benefit for any person with whom he is in a dating relationship, or any business with which such person is associated. A conflict of interest would also occur if any employee of the City of Columbus, any relative of an employee of the City of Columbus, or any person with whom an employee of the City of Columbus is in a dating relationship became a contractor or vendor with any authority of the City of Columbus or the City of Columbus itself, or if any such person had a material financial interest in a business which is a contractor or vendor with any authority of the City of Columbus, including the City itself. (See Section 25-4-105 of the Mississippi Code of 1972).

D. *Nepotism*, defined.

Nepotism occurs when any person employed by the City shall occupy a position in which he/she will be working directly for or supervising a relative or person with whom he/she is in a dating relationship.

**3. Nepotism and Conflicts of Interest – Prohibited.**

No employee may occupy a position in which he/she will be working directly for or supervising his/her relative(s). Neither may individuals occupy a position in which he/she will be working directly for or supervising an employee with whom he/she is involved in a dating relationship.

No City of Columbus employee shall use his official position to obtain any pecuniary benefit for himself, other than lawful compensation, or to obtain any pecuniary benefit for any relative, or person with whom he or she is in a dating relationship, or any business with which he or any Relative or any person with whom he/she is in a dating relationship is associated. Nor shall any City employee engage in any conduct which is a conflict of interest as that term is used and defined in Section 25-4-105 of the Mississippi Code.

If the City of Columbus becomes aware of an actual or potential conflict of interest or if it becomes aware of a nepotism situation at any level (higher or lower) in the same line of authority that may affect a review of employment decisions or enable the employee to further a conflict of interest, the City of Columbus may take prompt corrective action to remedy such actual or potential conflicts or nepotism situation. The City of Columbus, in taking this corrective action, may transfer and/or terminate employees and report any such violations to the State Attorney General's Office or the State Ethics Commission, as the case may be.

If two or more City employees become aware that they are in violation of this nepotism provision or of a conflict of interest, it is the responsibility of the related person with the greatest seniority involved in the relationship to first disclose the existence of the relationship to the Chief Operations Officer of the City and also the Mayor. Likewise, if two employees become involved in a dating relationship, the employee with the greater seniority shall disclose the existence of the relationship to Management if the employees occupy positions at any level (higher or lower) in the same line of authority that may affect the review of employment decisions or that may enable the furtherance of a conflict of interest. In the event of such circumstances, the employees who are either related or in a dating relationship, will be given an opportunity to decide who is to be transferred to another available position outside the chain of command in which they are employed. If the employees cannot make a decision within five (5) calendar days, the department head over the department, or his supervisor if necessary, will decide who is to be transferred. If there is no available position to transfer such an employee, the department head or his supervisor, as the case may be, may recommend termination, and the City may accept the recommendation and terminate the employee.

In cases where a conflict or the potential for a conflict of interest arises because of the Relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment to avoid personal conflicts to be carried over into the day-to-day working relationships and to avoid the appearance of impropriety, favoritism, or a negative effect on morale.

#### **4. Nepotism – Exception.**

The City of Columbus may, on occasion, or in the case of a compelling need, hire a person in a supervisory capacity that may be called upon to supervise a relative who is already an employee of the City, so long as such employment does not violate the Ethics in Government provision of the Mississippi Code. When such decisions are made, the City shall make all due effort to transfer, as soon as reasonably possible, the subordinate relative to another department outside of the direct line of supervision of the newly retained supervisor.