

WESTMORLAND UNION ELEMENTARY SCHOOL DISTRICT

**I.**

**Board Policies Covering All Employees**

**Board Policy No. 4005:     EMPLOYMENT**

- A.    Only the Board can hire and terminate employees. The hiring or appointment of an employee shall be acted upon only by the Board. The only exceptions to these requirements are in Board Policy 4015.
  
- B.    The specific assignment of an employee shall be determined by the Superintendent.
  
- C.    Employment of Relatives and Spouses
  - 1.     The employment of relatives in the same facility, department, division, office or line of supervisory authority can cause serious problems in the work place which adversely affect productivity, morale, confidentiality, safety, security, and create conflicts of interest. The employment of relatives can also adversely impact the nature of the necessary working relationships between supervisors and employees and between co-employees. Additionally, the employment of relatives adversely affects the public trust and confidence in the fairness and efficiency of the employment policies and operations of the District. These adverse effects are caused, in part, by real or perceived favoritism, scheduling conflicts, personal conflicts and hostility in the work place, claims of partiality in providing or awarding favorable working conditions, promotions, transfers or assignments, the compromise or suspected compromise of confidential or privileged information or records, alteration or destruction of records, or the suspected or actual loss or destruction of District property or financial assets. These problems frequently arise when relatives work together.
  
  - 2.     “Relatives,” with the exception of married employees, are defined as persons who are related by blood or marriage, or whose relationship is similar to that of persons who are related by blood or marriage (i.e., an adopted child or step parent). The term “spouse” is defined as a partner in a marriage between a man and a women.
  
  - 3.     Relatives of currently employed District employees may be hired by the District as employees, promoted or transferred only if: (1) the individuals concerned will not work in a direct, supervisory relationship with each other, or be in the same line of authority or supervision; (2) the individual hired, promoted or transferred will not work in the same department, division, office or facility or under the authority of one supervisor; (3) the employment, promotion or transfer will not cause any potential conflicts or disruption to District operations; and (3) the employment, promotion or transfer will not pose any potential articulable problems or conflicts involving supervision, security, safety, confidentiality, performance, or morale.
  
  - 4.     Current District employees are strictly prohibited from participating in, or influencing or attempting to influence the selection process or the employment, promotion or transfer of any relative or their spouse.

5. The District reserves the right to take prompt action to prevent the attempt of any relative or spouse to influence the selection or any other employment decision involving any relative or spouse.
6. The employment of spouses in the same department, division or facility frequently involves potential conflicts of interests that are greater for married persons than for other persons. Additionally, the placement of one spouse under the direct supervision of the other frequently leads to problems involving supervision, safety, security or morale. The employment of spouses shall be governed by the rules set forth in the following paragraph 7.
7. No employment decision, including but not limited to transfers or promotions, shall be based on whether an individual has a spouse presently employed by the District except in accordance with the following criteria:
  - a. For business reasons of supervision, safety, security or morale, the District may refuse to place one spouse under the direct supervision of the other spouse.
  - b. For business reasons of supervision, security or morale, the District may refuse to place both spouses in the same department, division or facility if the work involves potential conflicts of interest or other hazards greater for married couples than for other persons.
  - c. For co-employees who marry, the District shall make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security, or morale.
  - d. For the purpose of this paragraph 7, a "spouse" is defined as a partner in a marriage between a man and a women.
8. Present employees of the District who marry or who become related by marriage must immediately notify their supervisors. If employees who marry or who become related by marriage do work in a direct supervisory relationship with one another or do cause an actual conflict or difficulty concerning supervision, security safety, or morale, the District will attempt to reassign one of the employees to another position for which he or she is qualified, if such a position is available, and no other accommodation is reasonable or practicable.
9. Any decision not to employ, promote or transfer the spouse of an employee shall be made on a case-by-case basis by the Superintendent taking into account all of the actual facts and circumstances regarding the particular position and the duties and the relationship of the position and duties performed by the employed spouse. This decision shall involve an assessment of the actual work setting to determine whether that setting would pose, because of the mutual concerns married couples are assumed to share, a potential conflict of interest or other hazards greater for married couples than for other employees. If the potential conflict or hazard is determined to be greater, the District will regulate the employment of spouses to

avoid the conflict or other hazard by reasonably matching the severity of its actions toward one or the other spouse to the degree of risk and significance of the potential harm involved.

Legal Reference:

Education Code section 35161, 44830, 45103

Government Code section 12940

Title 2, California Code of Regulations section 7292.5

Date Policy Adopted By The Board: August 22, 1989

Date Policy Revised By The Board: May 16, 2003

Date Policy Revised By The Board: October 9, 2003 (formerly B.P. 4006)