



ANTI-NEPOTISM POLICY

Date HR Board approved:
Effective Date:

PURPOSE

This policy emphasizes the Town of Wellesley's commitment to adhere to M.G.L. c.268A, the Massachusetts conflict of interest law. The Town will regulate, restrict, or prohibit the employment of relatives when it may negatively impact supervision, morale, or the proper and efficient operation and delivery of municipal services. This policy also addresses situations in which there may be the appearance of a conflict under the law.

APPLICABILITY

This policy applies to all prospective employees and current municipal employees as defined by this policy.

DEFINITIONS

Municipal employee - a person performing services for or holding an office, position, employment, or membership in a municipal agency, whether by election, appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, per diem, on-call, or consultant basis. For the avoidance of doubt, the definition includes subcontractors, constables, volunteers, interns, temporary and seasonal employees, but excludes (1) elected members of town meeting and (2) members of a charter commission established under Article LXXXIX of the Amendments to the Massachusetts Constitution.

Appointing Authority - For purposes of this policy, the Department Head shall serve as the appointing authority for employees within their department. For Department Heads, the appointing authority shall be the individual, Board, Committee, Commission, Council, or other governing body to which the Department Head reports.

Immediate family - the municipal employee's parents, children, siblings, spouse, and the municipal employee's spouse's parents, children, and siblings.

Participate - To participate in Town action or in a particular matter personally and substantially as a municipal employee, through approval, disapproval, decision, recommendation, the rendering of advice, investigation or otherwise.

Relatives - Includes all members of the immediate family, as well as grandparents, grandchildren, aunts, uncles, nieces, nephews, and other persons, whether or not related by blood or adoption, who reside in the same household as the employee.

POLICY DESCRIPTION

Due to potential for perceived or actual conflicts, such as favoritism or personal conflicts from outside the work environment, which can be carried into the daily working relationship, the Town will hire relatives of a current employee only if:

- The candidate will not be supervised by or directly supervising a relative.
- The candidate will not be placed in a line of authority where they can initiate, participate, or influence employment decisions (such as hiring, promotion, discipline, or pay) concerning a relative.

Restrictions include:

- No supervisor shall have hiring authority over a relative or shall make recommendations to hire a relative.
- No supervisor may participate in employment decisions that directly impact a relative's job status, salary, or other financial interests.
- Employees must recuse themselves from any personnel decisions involving a relative.
- Relatives shall not be involved in decisions affecting each other's employment, including hiring, retention, promotion, compensation (including overtime and special pay), leave, or investigations.
- Employees may not make or influence any Town or departmental decisions—such as contracts or purchases—that would result in a personal benefit to the employee or an immediate family member or relative.
- Employees may not approve or sign-off on payroll forms, reimbursement requests, equipment purchases, training authorizations, or job assignments for a relative.

There are some exceptions to these restrictions which are further described below. The Town will seek to avoid the hiring, transfer, or promotion of relatives of municipal employees in situations where there is a potential for favoritism or a conflict, or the appearance of conflict of interest exists.

PROCEDURE

If members of the same family are being considered for employment or transfer into the same department, written approval must be obtained in advance from the Executive Director and the Human Resources Director. Family members are responsible for notifying their supervisor of the relationship prior to hiring or transferring.

The hiring supervisor is responsible for ensuring compliance with this policy.

Department Directors must monitor changes in reporting relationships after hire to ensure continued compliance.

Employees are required to report any changes in familial relationships that may affect their employment under this policy.

In accordance with Massachusetts General Laws Chapter 268A, § 19, any municipal employee who may be involved in a matter affecting the financial interest of themselves or a relative, must file a written disclosure with their appointing authority prior to taking any official action. The disclosure form is available from the Human Resources Department or the State Ethics Commission's website. This disclosure must identify the nature of the relationship, the nature of the matter, and the financial interest involved. The disclosure form will be reviewed and, if appropriate, approved in writing by the

appointing authority, provided that the interest is not so substantial as to compromise the employee's ability to perform their duties objectively and in the public interest.

A standard Disclosure of Appearance of Conflict of Interest Form is available from the Human Resources Department and must be completed in the following circumstances:

- When an employee has a private relationship (e.g., relative or household member) that may create the appearance of bias in official duties
- When a current or prospective employee has a relative who is also employed by the Town and there is a reporting or decision-making relationship
- When a conflict or potential conflict of interest arises due to a familial relationship, including after marriage or changes in household composition

Employees who become relatives after the effective date of this policy while employed by the Town will be treated in accordance with this policy. If a conflict of interest arises because of the new familial relationship, the Department Head, in consultation with the Executive Director, and the affected employees, will attempt to derive an alternate employment arrangement with the Town. If an alternate employment arrangement is not feasible, then the employee with the least amount of seniority may be required to resign or take another action as determined appropriate by the Town.

RESOURCES

State Ethics Commission: <https://www.mass.gov/orgs/state-ethics-commission>. The Commission's website contains information about M.G.L. c.268A, relevant forms, and opinions.