



# **Santa Ana Unified School District**

**BOARD POLICY NO: 4112.8/4212.8/4312.8**

**SUBJECT: Employment of Relatives and Immediate Family**

**EFFECTIVE: 8/22/2023**

**CATEGORY: Personnel**

**RESPONSIBLE OFFICE(S): Human Resources**

## **SCOPE:**

The Board recognizes its primary responsibility is to comply with applicable State and federal laws.

## **POLICY:**

The Governing Board desires to maximize staff and community confidence in district hiring, promotion, and other employment decisions by promoting practices that are free of conflicts of interest or the appearance of impropriety. (cf. 4030 – Nondiscrimination in Employment) (cf. 9270 – Conflict of Interest)

The Board prohibits the appointment of any person to a position for which his/her relative maintains management, supervisory, evaluation, or promotion responsibilities and prohibits an employee from participating in any decision that singularly applies to any of his/her relatives. (cf. 4111.4211.4311 – Recruitment and Selection) (cf. 4115 – Evaluation/Supervision) (cf. 4215 – Evaluation/Supervision) (cf. 4315 – Evaluation/Supervision).

This prohibition shall be held in abeyance for the 2023-2024 school year with respect to the appointment of substitute employees to positions that are deemed hard to fill by Human Resources. Any relative of the substitute employee shall be prohibited from maintaining direct management, supervisory, evaluation, or promotion responsibilities, and from participating in any decision that singularly applies to the substitute employee. The appointment of such substitute employees shall be approved by Human Resources.

For purposes of this policy, relative means blood or affinity within the third degree, which includes the individual's spouse, domestic partner, parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse or domestic partner.

In addition, the Superintendent or designee may determine, on a case-by-case basis, whether to appoint or reassign a person to a position in the same department or facility as an employee with whom he/she maintains a personal relationship when that relationship has the potential of create (1) an adverse impact on supervision, safety, security, or morale of other district employees or (2) a conflict of interest for the individuals involved which is greater because of their relationship than it would be for another person.

An employee shall notify his/her supervisor within 30 days of any change in his/her circumstances that may constitute a violation of this policy.



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## **IMPLEMENTATION GUIDELINES AND ASSOCIATED DOCUMENTS:**

### **Legal Reference:**

#### **EDUCATION CODE**

35107 School district employees

35233 Prohibitions applicable to members of governing boards of school districts and citizen's oversight committees

#### **FAMILY CODE**

297-297.5 Rights, protections, benefits under the law; registered domestic partners

#### **GOVERNMENT CODE**

1090-1098 Prohibitions applicable to specified officers

12940 Unlawful employment practices

#### **CODE OF REGULATIONS, TITLE 2**

7292.0-7292.6 Marital status discrimination, especially:

7292.5 Employee selection

### **Management Resources:**

#### **WEB SITES**

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov> Institute for Local Government: <http://www.cacities.org/index.jsp?zone=ilsg>

### **DESIRED OUTCOME:**

Through this policy, the District shall comply with applicable State and federal laws.

Adopted: August 22, 2023 (9-03)

Santa Ana, CA