

**GENERAL ADMINISTRATION
EMPLOYEE**

044 EMPLOYMENT AND SEPARATION**044.6 Nepotism Policy****044.6.1 Purpose**

The purpose of the policy is to ensure against any perceived favoritism in the hiring or supervising process.

044.6.2 Definitions

- A. Cohabitation: A relationship which includes a common living place and which exists without legal or religious sanction.
- B. Domestic Partner: A person related to an employee where the employee and the partner presently can affirm that:
 - 1. the partners are in an exclusive and committed relationship for the benefit of each other, and the relationship is the same as, or similar to, a marriage relationship in the state of New Mexico;
 - 2. the partners share a primary residence and have done so for twelve or more consecutive months;
 - 3. the partners are jointly responsible for each other's common welfare and share financial obligations;
 - 4. neither partner is married or a member of another domestic partnership;
 - 5. both partners are at least 18 years of age;
 - 6. the partners are not related by blood to a degree of closeness that would prevent them from being married to each other in the state of New Mexico.
- C. "Relation by blood or marriage within the third degree" includes spouse, domestic partner, parent, mother-in-law, father-in-law, step-parent, children, domestic partner children, son-in-law, daughter-in-law, step-child, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, grandparent, grandchild, uncle, aunt, nephew, niece, great-grandchild, and great-grandparent.

044.6.3 Policy

- A. An employee may not hire, promote or be the immediate supervisor of another employee related to him/her by blood or marriage within the third degree of relationship, or with whom the supervisor is engaged in a physical relationship or cohabitation.
- B. For the purpose of this policy, "hiring" shall include direct hiring into the unit

under the supervisor's immediate control or within three-levels of supervisor separation. For example, a case worker cannot be related to the line manager, county director, or regional operations manager. However, the case worker can be related to the deputy director or above.

- C. Any supervisor or manager is required to automatically recuse themselves from any personnel action regarding relationships to the third degree and refer it to the next level.

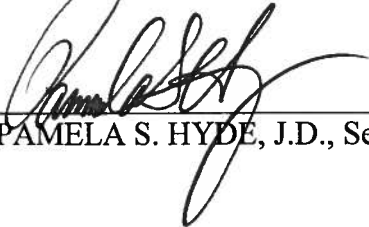
044.6.4 Special Conditions

If cohabitation, a physical relationship, or a relationship within the third degree as described above develops between a supervisor and a subordinate, the supervisor is responsible for notifying management. One of these employees will transfer or be transferred laterally, as soon as possible, without prejudice, change in salary, or geographic relocation, to a department position under another supervisor. This requirement in no way prohibits either party from voluntarily following normal procedures for transfer to another position.

044.6.5 References

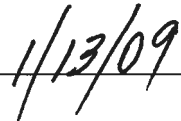
11-3-90...5-15-96; Rn, 1 NMAC 7.8.12, 7-1-97; 1.7.6.9 NMAC – Rn, 1 NMAC 7.6.9, 11/30/00, 1 NMAC 7.1.7, 3-31-06

APPROVED:



PAMELA S. HYDE, J.D., Secretary

DATE:



1/13/09