




Approved by: Juan Williams, Commissioner	Policy Number: 22-002 (Rev. 07/01/2023)
Signature: 	Supersedes: N/A
Application: Executive Branch Agencies and Employees, Agency Human Resource Officers	Effective Date: 05/2022
Authority: T.C.A. § 4-3-1703, T.C.A. § 8-30-104, T.C.A. § 8-31-101, et seq.	Rule: N/A

Anti-Nepotism: Employment of Relatives and Close Personal Relationships

The State of Tennessee is firmly committed to a policy of employment and advancement based on business needs and the qualifications, knowledge, skills, ability and performance of individuals rather than familial relationships or favoritism. The goal of this policy is to create a positive employment environment with effective supervision, trust, engagement and to avoid the appearance or possibility of favoritism, conflicts, or workplace disruptions created by nepotism.

Definitions

Nepotism is defined as: The employment of relatives or favoring relatives or close relationships in employment.

Governmental entity – Any state agency, authority, board, commission, department, or office within the executive branch of state government or any autonomous state agency, authority, board, commission, department, office, or institution of higher education; provided, that “*governmental entity*” does not include any agency or office of the legislative branch.¹

Relative/Family Member – A “*relative*” or “*family member*” shall include the following relationships: Parent, including foster parent, parent-in-law, step parent, and an employee who is a legal custodian of a child; child, including foster child, step child, son-in-law, daughter-in-law, and a child who is a legal ward of an employee; spouse; brother, including foster brother, brother-in-law, and step brother; sister, foster sister, sister-in-law, and step sister; grandparent, grandchild, or other family member or domestic partner who resides in the same household.²

¹ While T.C.A. § 8-31-102(1) states nepotism restrictions apply to both executive and judicial branches of state government, this specific policy applies to only executive branch employees.

² For purposes of this policy, a domestic partner is defined as an unrelated and unmarried person who shares common living quarters with another employee and/or currently in a committed, intimate relationship that is not legally defined as marriage by the state which the partners reside. Employees should otherwise follow their agency’s policy regarding “love contracts.”

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State Employee – Any person who is employed by the State of Tennessee within the executive branch.³

Scope

When personal relationships from outside the work environment overlap with professional working relationships, they have the potential/can create actual or potential conflicts or the appearance of conflicts.

Due to the potential for such conflicts, including but not limited to favoritism or personal conflicts from outside the work environment, which can overlap with professional working relationships, the State of Tennessee may hire relatives of persons currently employed **if** they will not be placed within the same direct line of supervision whereby one (1) relative is responsible for supervising the job performance and/or work activities of another relative; provided, that to the extent possible, this policy shall not prohibit two (2) or more such employees from working within the same governmental entity. Where violations exist, agencies shall take action, including but not limited to hiring, retention, transfer, promotion, demotion, etc. Where the agency determines that various alternatives are available to correct the existing violation, affected employees should be given the opportunity to select among such alternatives and make a decision within a set timeframe.

This policy applies to all current employees and candidates for employment. Reporting relationships that qualify under this policy cannot be maintained in the workplace as it may create a disruption or potential disruption to the work environment, create an actual or perceived conflict of interest or is prohibited by any legal or regulatory mandate.

This policy must be considered when hiring, promoting, demoting, or transferring any employee. The appointing authority has final approval of all modifications and employment actions related to such situations, in compliance with the requirements in this policy.

Procedure

Should relationships addressed within this policy be identified with either candidates for employment or current employees, the matter should be immediately reported to the agency's human resource officer(s) and the following procedures will be followed:

- If any employee, after employment or change in employment, enters into one of the above relationships at any time, a determination will be made whether the relationship is subject to the provisions of this policy based on the conditions described within the policy.
- If the relationship is determined to fall within one or more of the conditions described within this policy, the agency's human resource officer(s), in consultation with the employee's direct supervisor

³ Pursuant to Tenn. Code Ann. § 8-31-105, this prohibition shall not be applied retroactively, but shall apply to all hiring and employment transactions subsequent to July 1, 1980. Additionally, pursuant to Tenn. Code Ann. § 8-31-107, this prohibition does not apply to spouses serving together as house parents at any of the state's special schools.

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and/or division management, along with the affected employees, will attempt to resolve the situation by identifying a suitable arrangement.

- Agencies should strive to implement a modification at the earliest opportunity after notification or when the agency becomes aware of the relationship subject to this policy. If the employees are unable to agree upon any alternative within sixty (60) business days, the appointing authority shall take appropriate action based on the nature of the workplace and positions involved.

Supervisor and Employee Responsibilities

The hiring manager for a position is responsible for ensuring compliance with this policy. Supervisors and managers shall likewise ensure that this policy is enforced should such a conflict arise. If there is any potential or existing personal relationship(s) which falls under the definitions provided within this policy, the hiring manager and/or supervisor must immediately notify the agency's human resource officer(s). A hiring manager's or supervisor's failure to properly notify the appropriate party regarding noncompliance of this policy may be subject to corrective action up to and including termination of employment.

It is the responsibility of every employee to identify to their agency's human resource officer(s) any personal relationship which may fall under the definitions provided within this policy. Employees who fail to disclose personal relationships covered by this policy may be subject to corrective action up to and including termination of employment.

Questions regarding this policy should be directed to the Office of General counsel (OGC) for DOHR.

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Attachment – Employee Acknowledgment Form

Anti-Nepotism: Employment of Relatives and Close Personal Relationships

Employee Acknowledgment

I, _____, hereby certify that I have received a copy of the Anti-Nepotism: Employment of Relatives and Close Family Relationships policy. I understand it is my responsibility to disclose any existing or future relationship that may violate this policy and understand that failing to do so may subject me to discipline, up to and including termination.

Employee Signature⁴

Date

Human Resources Office Signature

Date

⁴ By acknowledging this policy via the Edison system, I agree that my acknowledgment is the equivalent to my handwritten signature.