

2. Approval of Amended Employee Relations Policy IV.13, Fraternization and Anti-Nepotism Policy



ACCOUNTABILITY · INTEGRITY · RESPECT

Item Number: 25-1205

Date of Meeting: May 27, 2025

Consent Agenda

Agenda Item Summary

MEETING GROUP: Board of County Commissioners

STAFF RESOURCE: Kathleen Moore, Assistant County Attorney

ADDITIONAL STAFF RESOURCES: Monica Shadid and Julie Pickett, Human Resources Department

DEPARTMENT: Attorney's Office

TYPE: Policy

SUBJECT: Approval of Amended Employee Relations Policy IV.13, Fraternization and Anti-Nepotism Policy

BACKGROUND:

Over the last two years, the County has initiated a comprehensive effort to review and improve various County policies to ensure alignment with organizational needs and compliance with current law. The attached policy is intended to update and streamline the County's current nepotism policy, and it will replace the current policy adopted in 2004 in its entirety.

Adoption of a new policy is essential to address changing workplace dynamics and shifts in how employees interact and work together and to enhance the County's ability to manage workplace relationships and maintain a professional and respectful work environment for the benefit of staff, elected officials, and the public.

The updated policy outlines the County's commitment to minimizing risks of actual, potential and perceived conflicts of interest and/or loyalty or of any advantage, privilege or unfair favoritism arising out of personal relationships between County staff. The new policy applies not only to various familial relationships, but also to other personal relationships the nature of which could lend themselves to favoritism.

To avoid conflicts of interest, County staff in personal relationships are not permitted to make employment decisions about one another or to have access to confidential or financial information about the other individual. Where conflicts of interest regarding access to confidential or financial information can be mitigated by putting procedures and plans in place to prevent favoritism and minimize nepotism, the HR Direction will have discretion to make exceptions to otherwise prohibited nepotism (as outlined in the policy).

Further, individuals involved in certain defined personal relationships (including immediate family members, members of the same household, and individuals who are or have previously been engaged in fraternization) must disclose these relationships to the Human Resources Department so that the County can prevent

potential conflicts of interest or favoritism, maintain professional conduct of all staff, and decrease the likelihood that sexual harassment or discrimination will occur.

FISCAL IMPACT:

N/A; no known impacts

STRATEGIC PLAN ALIGNMENT:

Strategic Pillar 4: Excellent Stewardship - La Plata County is a trusted and transparent steward of taxpayer resources, delivering services effectively, efficiently and responsively.

RECOMMENDED ACTION:

Approve and sign Policy IV.13, Fraternization and Anti-Nepotism Policy

ATTACHMENTS:

Policy IV.13, Fraternization and Anti-Nepotism Policy



POLICY MANUAL

Section: IV – Employee Relations

Approved:

Policy No. IV.13

Marsha Porter-Norton, Chair

Orig. Dept.: Human Resources

Subject: Fraternalization and Anti-Nepotism Policy

Matt Salka, Vice Chair

Effective: May 27, 2025

Clyde Church, Commissioner

Replaces: Anti-Nepotism Policy
dated November 8, 2004

Purpose. To uphold public trust, the County is committed to fostering a professional work environment free from conflicts of interest and favoritism. As such, this policy supports the County's commitment to minimizing the risks of actual, potential and perceived conflicts of interest and/or loyalty or of any advantage, privilege or unfair favoritism arising out of personal relationships between County staff. This policy applies not only to various familial relationships defined herein, but also to other personal relationships the nature of which could lend themselves to favoritism.

- I. Policy Statement.** La Plata County is committed to the efficient and effective operation and delivery of County services to the public through effective supervision of its employees. To help ensure that employment decisions are based on qualifications, skills, ability, and performance of all individuals, to safeguard official functions from conflicts of interest, and to protect the safety and positive morale of employees, the County prohibits elected officials and employees from:
- A. Participating in, making, or attempting to influence employment decisions over someone with whom they have a personal relationship, as the term is defined in this policy.
 - B. Auditing, verifying, receiving, or being entrusted with moneys received or handled by someone with whom they have a personal relationship.
 - C. Accessing confidential employer or employee information, including payroll and personnel records, about someone with whom they have a personal relationship.

The County also requires employees and elected officials who are romantically or sexually involved with one another to notify the Human Resources Department so that potential conflicts of interest are identified and managed and to ensure that a professional and productive work environment is maintained for the involved parties and their coworkers.

This policy, however, does not prohibit the County from simultaneously employing relatives or those in personal relationships altogether so long as the requirements of this policy are met.

II. Definitions. For purposes of this policy, the following definitions apply:

Confidential Information Conflict. An elected official's or employee's ability to access confidential employer information, including payroll and personnel records, about someone with whom they have a personal relationship.

Employment Decisions. The full spectrum of employment actions related to County employees, including but not limited to decisions related to hiring, promotions, supervision, direction and management of work, compensation, salary and benefit administration, performance evaluations, discipline, termination and all other related management or personnel actions. While not an exhaustive list, the following actions are specifically deemed to be employment decisions:

- Making or participating in, either directly or indirectly, decisions regarding the hiring, supervision, promotion, evaluation, or discipline of someone with whom the elected official or employee has a personal relationship.
- The ability to unduly influence another employee or elected official in making decisions related to hiring, supervision, promotion, evaluation, or discipline of someone with whom the elected official or employee has a personal relationship.
- The authority to fund or allocate resources, or prioritize assignments, to someone with whom the elected official or employee has a personal relationship.

Financial Conflict of Interest. The power or obligation of an elected official or employee to audit, verify, receive, or be entrusted with moneys received or handled by someone with whom they have a personal relationship.

Fraternization. Any consensual, mutually acknowledged relationship that includes romantic intimacy, dating, sexual intimacy or sexual relations of any sort.

Immediate Family Member. For purposes of this policy, immediate family member means a past or current spouse, civil union partner, domestic partner, child, grandchild, parent, grandparent, sibling, aunt, uncle, niece, nephew, or first cousin. These familial relationships include blood or legal relationships within the preceding categories (i.e., they include adopted relationships, step relationships, in-law

relationships, and applicable family members of domestic partners, foster parents and those acting in loco parentis).

Members of Same Household. Individuals, regardless of whether related by blood, marriage or civil union, who reside in the same residence.

Nepotism. The act of using one's authority or influence to show favoritism or grant advantages or unfair privileges to an employee or prospective employee based on personal relationships.

Personal Relationships. For purposes of this policy, personal relationships exist between: (1) immediate family members, (2) members of the same household, and (3) individuals who are or have previously engaged in fraternization (as defined in this policy).

III. Applicability. This policy applies universally to all County employees and elected officials;¹ provided, that to the extent any conflict exists between this policy and a fully executed collective bargaining agreement for any bargaining unit in the County, the terms of the collective bargaining agreement will control. The requirements of this policy apply to new and existing personal relationships, even those that commenced before the enactment of this updated policy.

IV. Compliance. All department heads and elected officials are responsible for ensuring employee compliance with this policy. Further, it is the responsibility of every employee and elected official to identify any potential or existing personal relationship which falls under the definitions provided in this policy and to report the same to the Human Resources Department. Employees who fail to disclose personal relationships covered by this policy will be subject to disciplinary action up to and including the termination of employment.

The Human Resources Department, in consultation with the County Attorney's Office, may publish, and revise, as needed, procedures outlining specific employee and departmental requirements consistent with this policy.

V. Nepotism.

A. Prohibited Acts. Subject to the limited circumstances provided for in Section VIII below:

1. No employee or elected official will make an employment decision, nor use their position of authority to influence another County employee or elected

¹ This policy applies in addition to the requirements set forth in the County's Code of Ethics and Conduct, Policy I.A.1, and accompanying Ethics Handbook, as well as the ethics in public contracting provisions contained in the County's Procurement Code.

official to make an employment decision, about a person with whom they have or have had a personal relationship.

2. No person will be hired, promoted or transferred to another department or office if such employment will place them in the position that creates a confidential information conflict.
3. No person hired, promoted or transferred to another department or office if such employment will place them in the position that creates a financial conflict of interest.

B. *Reporting Requirements.* Any elected official or employee who becomes involved in a personal relationship with another employee or elected official to whom this Section VI applies must report this relationship to the Human Resources Department within five (5) business days after the relationship commences. Additionally, if not already reported, as required by the County's prior policy, any existing personal relationship must be disclosed immediately, evaluated, and managed as provided in this policy.

C. *Action.* Unless an exception is warranted and granted by the Human Resources Director due to unusual or exceptional circumstances and steps can be taken to mitigate and preclude favoritism and minimize nepotism, as set forth in Section VIII below:

1. Upon notice of a personal relationship that creates a confidential information conflict, a financial conflict of interest, or would create a situation that could lead to prohibited employment decisions, La Plata County, as a voluntary accommodation, may attempt to find a suitable position within the County to which one of the affected employees may transfer.

If accommodations of this nature are not practical or feasible then:

- a. When a prohibited personal relationship exists between an elected official and employee, the affected employee may voluntarily resign or the Human Resources Director will initiate actions to terminate the affected employee, and
- b. When two or more employees are involved in the personal relationship, the affected employees will be permitted to determine which of them will resign. If neither employee wishes to make this decision, the applicable department head or elected official will initiate the action upon consultation with the Human Resources Director, County Attorney and County Manager.

VI. Fraternization. While the County doesn't desire to dictate choices made in employees' personal lives or place undue restriction on employees who are

fraternizing with colleagues, these relationships may negatively impact the workplace by creating a conflict of interest, cause disruption or, create a negative or unprofessional work environment. Common examples of concerns include, but aren't limited to, the following:

- Colleagues engaged in fraternization may spend a large amount of work time meeting, talking or otherwise communicating with each other instead of completing assigned duties.
- Discomfort among co-workers, potentially affecting team dynamics and overall workplace morale.
- Disagreements or breakups could affect colleagues' ability to effectively and professionally collaborate with one another and other County employees and elected officials.

Further, employees and elected officials should consider the potential impact of any power differentials related to their County roles before engaging in a romantic or sexual relationship with one another.

A. Consensual Relationships.

1. *Disclosure.* To maintain professional conduct, to protect the interests of County in preventing potential conflicts of interest or favoritism, and to decrease the likelihood of sexual harassment or discrimination that may arise from such relationships, fraternization between employees or between employees and elected officials, regardless of the departments or offices such individuals work for, must be reported to the Human Resources Department within five (5) business days of the relationship beginning. This disclosure will enable the County to take appropriate measures to mitigate any actual, perceived or potential conflicts of interest.
2. *Assessment.* The Human Resources Director will evaluate the situation for each disclosed relationship to determine if actual, perceived or potential conflicts exist that pose a risk to the integrity of workplace operations. If these conflicts are found, the Human Resources Director may decide to adjust or modify reporting structures or reassign roles as necessary, if possible, to avoid relationships that directly affect employment conditions. For instance, the Human Resources Director may:
 - a. Implement a system where roles and responsibilities can be restructured to minimize direct reporting lines or conflicts of interest; or
 - b. Adjust supervisory roles or create cross-functional teams that dilute direct influence or increased checks and balances.

3. *Action.* If the Human Resources Director determines that the circumstances of employment raise an undue hardship upon other employees within the affected department(s) or that such continued employment is detrimental to the supervision, safety, security, morale or productivity of the department(s), one party may be required to move to a different department or a different division within a department, if the division is located at a different physical location. Factors to consider, include but are not limited to: required collaboration on departmental or cross-functional/departmental teams, department size and office configurations.

If a transfer will not remove the conflict of interest, one of the parties may need to resign or be demoted to remove the conflict of interest. In this situation, the County will first ask the employees involved to choose which of them will be subject to a transfer, demotion or resignation. If neither employee wishes to make the decision, the applicable department head or elected official will initiate the action upon consultation with the Human Resources Director, County Attorney and County Manager

These decisions will be made to protect all parties involved and ensure that the County's operations remain unaffected.

4. *Performance Expectations.*

- a. Public displays of affection, such as kissing, holding hands or other intimate gestures during working hours or work-related activities are not permitted, to avoid creating an unprofessional or uncomfortable atmosphere for other employees.
- b. Both individuals will be required to acknowledge that their relationship is voluntary and consensual. They must review and affirm their understanding of the County's policies on harassment and retaliation. This may include executing a "love contract", a formal agreement in which both parties confirm the consensual nature of the relationship. The contract serves to protect the County by documenting that the relationship is entered into freely and without coercion to mitigate any potential claims of harassment. It also reinforces the parties' commitment to adhere to the County's policies and to report any change in their relationship status that could affect the work environment.
- c. Both parties will be required to maintain professional conduct at work, even after the relationship ends, and must disclose any potential conflicts of interest arising from the relationship.
- d. The Human Resources Department must be notified when, and if, the relationship ends or changes significantly.

- e. Any retaliation by one party against the other if the relationship ends will not be tolerated.
- B. *Prohibited Relationships with Interns or Student Workers.* Fraternization with interns or student workers, whether they are hired as temporary County employees or are unpaid interns or volunteers, is prohibited due to the subordinate nature of their role in relation to County employees and the potential for power imbalances.
- C. *Nonconsensual Relationships.* Nonconsensual relationships constitute sexual harassment and are expressly prohibited. For more details on how to recognize, report and deal with sexual harassment please refer to the County's nondiscrimination and anti-harassment policy.

VII. Exceptions.

- A. No exceptions will be made to allow one affected employee or elected official to make or participate in decisions related to hiring, supervision, promotion, evaluation, or discipline of another.
- B. When a confidential information conflict or financial conflict of interest exists, at the discretion of the Human Resources Director, after consultation with the County Manager and County Attorney, exceptions to this policy may be made if:
 - 1. The decision to grant such exception is based on demonstrated unusual or exceptional circumstances that are documented by the Human Resources Director; and
 - 2. Steps are taken to address reporting relationships, supervision and evaluation in a way that sufficiently mitigates or precludes favoritism and minimizes nepotism. Applicable department head(s) or elected official(s), as well as the Human Resources Director, will be consulted and made aware of any requirements or plans put in place to prevent potential conflicts. If a department head or elected official is one of the parties in the personal relationship, then the County Manager must also be consulted regarding any plan or steps put in place to avoid conflict.

Supervision and evaluation procedures that will mitigate potential conflicts of interest and discuss information barriers (such as prohibiting access to certain programs and files) designed to prevent improper access to confidential and financial information as well as any necessary review and approval procedures for work completed by the affected employees should be addressed.

To ensure continuity and appropriateness of procedures or plans put in place to prevent possible conflict, periodic review and revision of such procedures and plans will occur at least annually and whenever there is a relevant change in reporting relationships.