

LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

SECRETARY'S POLICY AND PROCEDURE MEMORANDUM (PPM) NO. 9

SUBJECT: DOTD Nepotism Policy

EFFECTIVE DATE: May 2, 1994

INSTRUCTIONS: This memorandum supersedes all other memoranda and manuals.

1. POLICY STATEMENT

It is the policy of the Department of Transportation and Development (DOTD) to conform to the provisions of the Louisiana Code of Governmental Ethics (Louisiana Revised Statutes (La. R.S.) 42:1101, *et. seq.*), with regard to nepotism within the Department. It is DOTD's goal to avoid creating circumstances in which the possibility of favoritism, conflicts of interest, or impairment of efficient operations may occur. As stated in La. R.S. 42:1119, no member of the immediate family of an Agency Head will be employed in the agency. This policy will apply to all employees of the DOTD and will apply to all types of employment, to include promotions, demotions, transfers, temporary appointments, unclassified appointments, and any other methods of filling positions.

2. DEFINITIONS

- A. Nepotism is defined as a preference of any sort given to immediate family members without regard to merit. Prohibitions against nepotism are contained in La. R.S. 42:1119.
- B. Agency is defined in La. R.S. 42:1102 as a department, office, division, agency, commission, board, committee, or other organizational unit of a governmental entity. For purposes of this policy, DOTD defines "agency" as the smallest unit or workgroup in which a public servant works.
- C. Agency Head is defined in La. R.S. 42:1102 as the chief executive or administrative officer of an agency or any member of a board or commission who exercises supervision over the agency. DOTD further defines Agency Head as the Secretary and Deputy Secretary for all of DOTD, Assistant Secretaries, Undersecretary and Chief Engineer for their Offices, Division Chiefs for their Divisions, District Administrators for their Districts, Section Heads for their Sections, and direct-line supervisors of any organizational work unit for their units. Immediate family members of employees may be hired, but no supervisor is permitted to hire or promote an immediate family member, who would work under him/her at any point in the chain of command.

La. R.S. 42:1102 defines immediate family member as it relates to a public servant to mean: his/her children, the spouses of his/her children, his/her brothers and their

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spouses, his/her sisters and their spouses, his/her parents, his/her spouse, and the parents of his/her spouse.

3. RESPONSIBILITIES

- A. Appointing Authorities. Appointing Authorities for each Office, Division, District, Section, or other organizational work unit are responsible for the administration of this policy for all employees under their supervision.
- B. Hiring Managers. As part of the selection process to fill a vacancy, hiring managers shall ensure that there are no immediate family members between interview panel members and the applicants for the vacancy.
- C. Employees. All DOTD employees are expected to abide by the provisions of the policy, and as such, are expected to alert any violations of this policy or any relationship to applicants to positions within their District/Section to their supervisor.
- D. Human Resources. The HQ Human Resources will prepare a written report to the DOTD Secretary each fiscal year to report on any situations of nepotism within the Department. This report will also be submitted to the Louisiana Legislative Auditor to ensure that any nepotism exceptions are reported.

4. PROVISIONS FOR EXCEPTIONS

- A. If the proposed employment of an individual or any condition which might be prohibited by the Louisiana Code of Governmental Ethics (La. R.S. 42:1119) would result in a supervisory/subordinate relationship between immediate family members which would ordinarily be prohibited by the Code of Governmental Ethics or this policy, this situation must be reported to the DOTD Secretary by the appropriate Office Head for an exception as to whether the appointment and resulting working relationship would meet the conditions for an exception under the Code, prior to making such an appointment.
- B. If the subordinate employee has been employed in the agency for at least 1 year prior to the promotion or proposed employment of the immediate family member, the promotion may be permissible under the Code.
- C. Exceptions are statutorily provided in the Code and may be granted only in accordance with those provisions. Reports and requests for determinations/exceptions should be routed to the DOTD Legal Section.

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5. RECUSAL

In any case in which an Agency Head does supervise a member of his/her immediate family and this working relationship is permitted under the Code and is approved as an exception to this policy, the Agency Head/Supervisor shall recuse himself/herself from any decisions involving the subordinate's pay, performance evaluation, promotion, or any decision which involves a substantial economic interest for that employee. These transactions must be referred to a higher level supervisor for decision or approval. In addition, a disqualification plan must be submitted to the Board of Ethics for review and approval, and a copy of this disqualification plan must also be provided to the DOTD Ethics Liaison.

6. SEVERANCE OF SUPERVISORY/SUBORDINATE RELATIONSHIP

Should any supervisory/subordinate relationship have to be severed under the provisions of the Code of Governmental Ethics, it will be accomplished as follows:

- A. In accordance with an order or directive from the Louisiana Board of Ethics specifying how the relationship shall be terminated, or
- B. The last employee appointed which created the impermissible working relationship must be assigned to a different work unit or otherwise removed from his/her position, unless by mutual consent, the other party agrees to be moved.

7. ENFORCEMENT

Violation of the provisions set forth in the Code of Governmental Ethics may subject that individual to disciplinary action by the Louisiana Board of Ethics. As it pertains to DOTD specifically, this policy will be strictly enforced. Any Appointing Authority determined to be in violation of this policy will be subject to disciplinary action, up to and including dismissal.



Shawn D. Wilson, Ph.D.
Secretary