

ORDINANCE NO. 1797

**ORDINANCE OF THE CITY OF TALLADEGA TO ADOPT A
NEPOTISM POLICY FOR THE CITY OF TALLADEGA, ALABAMA
AND TO REPEAL ORDINANCE NO. 1616 IN ITS ENTIRITY**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TALLADEGA,
ALABAMA AS FOLLOWS:**

WHEREAS, the City of Talladega is dedicated to providing equal opportunity for employment to all qualified applicants and ensuring fair treatment for all employees; and,

WHEREAS, it is the goal of the City of Talladega to avoid creating or maintaining circumstances in which the appearance or possibility of favoritism, conflicts, or management disruption exist; and,

WHEREAS, that pursuant to the requirements and authority of State Act #2004-436, and as may be amended, the City Council of the City of Talladega, Alabama, does hereby adopt a revision to the City of Talladega Personnel Systems Manual; and,

WHEREAS, that the provisions of the City of Talladega Personnel Systems Manual shall be supplemental to the provisions of Action #2004-436, and as may be amended, and, wherever in conflict, the provisions of Act #2004-436, and as may be amended, shall supersede any rules, regulation or provision in the said manual.

NOW, THEREFORE, BE IT RESOLVED, as follows:

I. Objective:

It is the policy of the City of Talladega not to discriminate in its employment and personnel actions with respect to its employees and applicants on the basis of marital and familial status. Notwithstanding this policy, the City of Talladega retains the right to refuse to appoint a person to a position in the same department wherein his/her relationship to another employee has the potential for creating adverse impact on supervision, safety, security or morale, or involves a potential conflict of interest. The City Manager shall have the authority and responsibility for determining if such a potential for adverse impact exists or does not exist.

II. Policy:

This policy shall apply to individuals who are related by blood, marriage or adoption and include the following family members: spouse, mother, father, son, daughter, sister, brother, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, half-brother, half-sister, stepparent, stepchild, step brother, step sister, aunt, uncle, nephew, niece, grandparent, grandson, granddaughter, or cousin. The policy shall also apply to a domestic partner (a person with whom the employee's life is interdependent and/or who shares a common residence) as well as a daughter or son of an employee's domestic partner or to any employees in a dating relationship. This policy shall also apply to any employees engaged in a dating relationship as that term is defined by Ala. Code 1975 § 30-5-2(5)(d). This policy shall also apply to any employees who are current or former household members as those terms are defined by Ala. Code 1975 § 30-5-2(5)(e). This policy shall apply to all full-time and part-time employees of the City of Talladega.

It is the goal of the City of Talladega to avoid creating or maintaining circumstances in which the appearance or possibility of favoritism, conflicts, or management disruptions exist. The City may allow existing personal relationships to be maintained under the following circumstances:

- Family members may not work under the purview of the same supervisor;
- Existing personal relationships may not create a supervisory/subordinate relationship with a family member, domestic partner or anyone with whom there exists a dating relationship;

- An employee may not supervise or evaluate a family member, domestic partner or anyone with whom there exists a dating relationship;
- The relationship will not create an adverse impact on work productivity or performance;
- The relationship may not cause an actual or perceived conflict-of-interest;
- Family members, domestic partners or anyone with whom there exists a dating relationship may not audit or review in any manner the individual's work.

For purposes of this policy, "supervisory employee" or "supervisor" means any employee, regardless of job description or title, having authority in the interest of the employer to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them if the exercise of this authority requires the use of independent judgment.

This policy must be considered when hiring, promoting or transferring any employees.

Should relationships addressed within this policy be identified with either candidates for employment or current employees the matter should be immediately reported to the Department Head and the Human Resources Director and the following policies and procedures will be followed:

- A determination will be made whether the relationship is subjected to the City of Talladega's Nepotism Policy based on the conditions described above by the Department Head and Human Resources Director.
- If the relationship is determined to fall within one or more of the conditions described in this policy, the Human Resources Director and the Department Head will consult with the affected employees and attempt to resolve the situation through the transfer of one employee to a new position or identifying some other action (i.e. Supervisory reassignment) which will correct the conflict or issue identified. If accommodations are not feasible the City Manager shall determine by seniority which employee must resign in order to resolve the situation.

The City of Talladega reserves the right to exercise appropriate managerial judgment to take such actions as may be necessary to achieve the intent of this policy. It is the responsibility of every employee to disclose in writing to the Department Head and Human Resources Director any potential or existing personal relationship which falls under the definitions provided in this policy. Employees who fail to disclose in writing personal relationships covered by this policy will be subject to disciplinary action up to and including termination of employment.

In the event the City Manager is related to an employee of the City of Talladega who is appealing a disciplinary action, the City Manager will recuse himself/herself from the appeal process.

III. Records

The Human Resources Director is hereby authorized and directed to draft such forms as are required to assure compliance with the terms of this ordinance.

IV. Severability

If any section or provision of this ordinance, including but not limited to the provisions of the City of Talladega Personnel Systems Manual, be declared invalid or unconstitutional by a judgment or decree of a court of competent jurisdiction, such judgment or decree shall not affect the remaining sections or provisions of this ordinance, which shall remain in full force and effect.

V. Effective Date

This ordinance shall take effect immediately upon its passage and publication as provided by law. Upon publication of this ordinance, Ordinance No. 1616 is hereby repealed.

ADOPTED, at a regular meeting of the City Council of the City of Talladega on the 18th day of May, 2015.

Councilman Horace Patterson

Councilman Joe Ballow

Councilman Ricky Simpson

Councilman Donnie Miller

Councilman Jarvis Elston

Interim City Manager Theresa St. James

Attested to: Elizabeth Cheeks, City Clerk