



**ANTI-NEPOTISM POLICY AND PROCEDURES – Statewide**

**DHR-STW-Policy #: DHR-STW-221.3**

**Authority: 29 Del. C. c. 58; Merit Rule 12**

**Effective Date: June 5, 2024**

**Revision Date: June 5, 2024**

**Supersedes: February 27, 2024**

**Signature:** *Claire M. Matthews*

**Application: Executive Branch Agencies**

## **1. Policy Purpose Statement**

The State of Delaware (State) is dedicated to assuring equality and fairness of hiring practices for employees within state agencies specified by state and federal laws, regulations, and policies. The Delaware Code of Conduct prohibits state employees from participating in the review or disposition of matters pending before the State in which there is a personal or private interest that would tend to impair the employee's independent judgment.

The Department of Human Resources (DHR) is committed to promoting a work environment in which hiring practices and employee supervision are free of undue influence by immediate relatives. Nepotism in the workplace occurs when immediate relatives are being favored in the hiring process regardless of being qualified or skilled for the job. For purposes of this policy, hiring includes initial employment, promotion, or other hiring within state agencies.

This statewide policy is established to assure that hiring and supervision is implemented in a manner that enhances public confidence, provides transparency, consistency, and prevents situations that give the appearance of impropriety, partiality, preferential treatment, improper influence, or a conflict of interest.

## **2. Scope**

This policy applies to Executive Branch employees which for this policy includes full-time, part-time, casual/seasonal employees, interns, joint employees, volunteers, and apprentices.

This policy sets the minimum requirements. State agencies may issue policies which are more restrictive.

Elected Agencies and Judiciary Members are encouraged to adopt and administer this policy with their employees.

## **3. Definitions and Acronyms**

- **Casual/Seasonal Employees** – employees serving in positions pursuant to 29 Del. C. §5903(17).
- **Immediate Relative** – the employee's spouse or domestic partner; parent, stepparent or child of the employee, spouse, or domestic partner; employee's grandparent or grandchild;

employee's sibling; spouse of employee's child; or any minor child for whom the employee has assumed and carried out parental responsibilities.

- **Direct Hire** – is a type of recruitment process that allows an applicant, who meets the job requirements, to apply for a specific position where only demographic information such as name, address, personal email, and present or past state employee is required.
- **Domestic Partner** – the person with whom the applicant/employee's life is interdependent, with whom the employee maintains a committed relationship, and with whom the employee shares a mutual residence.
- **Hiring Manager** – the position's supervisor or other employee responsible for filling of a vacant agency position.
- **Hiring Preference** – special placement for 1 year on a referral list for a position at the employee's current paygrade or lower for which the employee meets job requirements.
- **Job Requirements** – minimum entry requirements, including selective requirements, which must be met for an individual to be eligible for appointment to a classified position or to take an examination. These requirements typically include minimum levels or types of education, training, experience, or completion of specified examinations. The DHR Secretary may approve documented equivalencies.
- **Nepotism** – the practice of individuals with authority, power, or influence favoring immediate relatives by giving them jobs, promotions, or other employment.
- **New Hire** – an applicant/candidate who has been offered employment with a state agency.
- **Promotion** – the movement of an employee from a classification in a lower pay grade to a classification in a higher pay grade.
- **Referral List** – the list of candidates deemed eligible to fill a vacant position.
- **Screening** – the process by which applicants are evaluated for a position in the Merit System. The screening may consist of, but is not limited to, oral, written, or performance tests, or a rating of the candidate's training and experience.
- **Supervisor** - a person in a position who, on a regular and continuing basis, plans, assigns, reviews, disciplines, recommends hire, termination and/or promotion.
- **Transfer** – employee movement between positions where the employee is in the same paygrade and meets the job requirements.

#### 4. Policy

- a. The State promotes a fair, inclusive, and respectful work environment in compliance with all state or federal laws and regulations.
- b. The Delaware Code of Conduct prohibits state employees from participating in the review or disposition of matters pending before the State in which there is a personal or private interest that would tend to impair the employee's independent judgment.
- c. No state employee, state officer, or honorary state official may participate in or attempt to influence any process relating to the hire, promotion, or other hiring of an immediate relative at the State agency.
- d. Supervisors, managers, and directors are strictly prohibited from any involvement of an immediate relatives' screening or hiring process or their direct supervision of an agency position.
- e. The hiring of an individual into a position in which the person will directly be supervised by an immediate relative as defined in this policy is strictly prohibited.

- If situations arise such as marriage or a new domestic relationship, during active employment, agencies shall adjust reporting relationships within 30 calendar days to comply with this policy based on the operational needs of the agency.
- f. Applicants and employees shall disclose immediate relatives that are employed by the State Agency on a *Disclosure of Immediate Relatives* form in the following situations:
  - where they are invited, and prior to, an interview for an agency position;
  - when hired into an agency position (direct hire, transfer within State, lateral, promotion, etc.);
  - if they discover that an immediate relative has been hired into their agency of employment; or
  - if involved in any process of hiring for a vacancy at a state agency,
- g. If a familial connection changes that would violate this policy from the time of the application or during employment, the applicant/employee must notify the agency hiring manager or DHR and update any immediate relative information needed on the form.
- h. Any employee or hiring manager shall recuse themselves from a hiring process that includes an immediate relative as defined in this policy.
- i. If an immediate relative relationship is discovered that would violate this policy, the hiring manager/supervisor must make adjustments to the hiring process or reporting relationship, in consultation with their human resources representative, to comply with this policy.
- j. If there is an employment relationship between immediate relatives that was pre-existing on the policy effective date, agencies shall adjust reporting relationships within 30 calendar days based on the operational needs of the agency to comply with this policy.
- k. If an adjustment cannot be made to an employment or reporting relationship between immediate relatives that already exists on and after the effective date of this policy, the agency shall request of the DHR Secretary in writing that the relationship continue and that it shall not be grounds for discipline or adverse employment action towards the impacted employee(s).
- l. The terms of Hiring Preferences as cited in the Merit Rules apply and its application must comply with this Policy.
- m. If an employee is found to be in violation or misuse of this policy, there will be appropriate disciplinary action against the employee up to and including termination of employment.

## **5. Procedures**

- a. The agency will provide the *Disclosure of Immediate Relatives* form to any applicant who is invited, and prior to, an interview for a vacant position.
- b. The Hiring Manager, in consultation with their designated human resources representative, will review the *Disclosure of Immediate Relatives* form and make any hiring and/or supervisory adjustments necessary to comply with this Policy following its effective date.
- c. The *Disclosure of Immediate Relatives* forms and exception approvals will be filed in the Employee Personnel Records File Section 6.
- d. Applicants who refuse to complete the *Disclosure of Immediate Relatives* section of the Application or other Hiring documentation will not be offered employment by the State Agency.
- e. Employees who refuse to acknowledge this policy or complete the *Disclosure of Immediate Relatives* form will be subject to disciplinary action up to and including termination.

**6. Exclusions or Exceptions**

- None.

**7. Dissemination and Training**

- Employees must read and acknowledge receipt of this Policy in the Delaware Learning Center (DLC), or if not applicable by other means, within the designated time frame.
- Agency DHR Leads will review this policy and obtain the completed *Disclosure of Immediate Relatives* form with any employee who has been invited to an interview or hired into an agency who does not receive DLC messages and/or was not provided a state email address.

**8. Data Reporting**

- All agencies are required to keep a record of Disclosure of Immediate Relatives forms completed by employees.

**9. Associated Policy/Regulations/Information**

- None.

**10. Appendices and Forms Associated with this Policy**

- [Anti-Nepotism Frequently Asked Questions](#)
- [Disclosure of Immediate Relatives Form](#)

**11. Policy Owner**

- Division Name: Division of Talent Management
- Policy Owner: Director of Talent Management
- Website: [DHR - Talent Management \(delaware.gov\)](#)

*This policy is not intended to create any individual right or cause of action not already existing and recognized under State or Federal law. If there is a conflict with, i.e., the law or regulation and this policy, the law and/or regulation govern.*