

STARKE COUNTY COMMISSIONERS
ORDINANCE 2011- 08
ETHICS: ANTI-NEPOTISM ORDINANCE

THE STARKE COUNTY COMMISSIONERS (the "Commissioners") have determined that the practice of nepotism in county government is contrary to the conduct of government with the highest ethical standards, and is therefore contrary to the public interest;

AND FURTHER FIND that the setting of ethical standards, and employment practices in Starke County government is within the authority of the County Commissioners;

THEREFORE THE COMMISSIONERS hereby adopt the following ethics ordinance, to be known as "The Anti-Nepotism Ordinance".

NOW, THEREFORE, BE IT ORDAINED that the Starke County Code be amended to add Commissioners Ordinance 2011-____, ETHICS: ANTI-NEPOTISM ORDINANCE superseding, replacing and repealing all prior ordinances inconsistent with the terms hereof. The ordinance is as follows:

Section I. Definitions

In this Ordinance:

1. **Nepotism.** Generally, the term "Nepotism" means favoritism granted to Relatives without regard to merit; however, in the context of this Ordinance, certain practices are prohibited as Nepotism without regard to the merit of the persons involved, and therefore the term "Nepotism" herein refers to acts prohibited hereunder.
2. **Relative.** The term "Relative" means father, mother, brother, sister, uncle, aunt, a husband or wife, son or daughter, step-son, step-daughter, son-in-law or daughter-in-law, niece or nephew (by blood or marriage). Relatives by adoption are treated the same as biological relatives, if the person was adopted as a minor.
3. **Departmental Elected Official.** Departmental Elected Official (sometimes "DEO") means the following non-judicial branch county level elected officials: (a) Assessor, (b) Auditor, (c) Prosecutor (d) Recorder, (e) Sheriff, (f) Surveyor, and (g) Treasurer.
4. **Appointed Department Director.** Appointed Department Directors (sometimes "ADD") includes the person of highest rank in each of the following non-judicial branch county departments, or any similar department, branch or entity under the jurisdiction of the county commissioners for the purposes of employment policy: (a) Community Corrections, (b) Emergency Management Agency, (c) Emergency

Medical Services, (d) Highway Dept., (e) Information Technology, (f) Veteran's Service Officer.

5. **Employee.** Any person who earns wages paid by Starke County government; but not persons acting as an unpaid volunteer, or as a contractor or subcontractor.
6. **Current Employee.** Any person who received payment of wages earned for services actually rendered within the thirty (30) days prior to the date of adoption of this Ordinance.
7. **Direct Supervision.** The term "Direct Supervision" means a degree of supervision between a supervisor and an employee in which the supervisor has control over and professional or occupational knowledge of the work being done. Typically Direct Supervision is a daily on-site, close contact relationship where the supervisor directs activities, and controls planning, quality and quantity of tasks by the supervised subordinate employee.
8. **Supervisor.** All persons in a particular department are deemed to be supervised by the DEO or ADD of that department. In addition, any person that exercises Direct Supervision over an Employee is deemed that person's Supervisor for the purposes of this Anti-Nepotism Ordinance.

Section II. Statement of Purpose and Policy

Nepotism in county government is contrary to good governance for the following reasons:

1. It is the policy of Starke County government that employment decisions, including hiring, promotions, disciplinary actions and dismissals, be taken according to the merits of the individual, and the facts and circumstances of the matter at hand. Favoritism granted by family members in positions of authority is inherently contrary to this policy.
2. Public confidence in county government requires openness and transparency in all important functions; concentration of control and access of any function in any family results in erosion of public confidence.
3. Nepotism creates an appearance of impropriety, whether or not any actual improper activities exist, and can hinder investigation of alleged or actual improprieties, further eroding effectiveness, integrity and public confidence in public institutions.

It is the policy and purpose of this Anti-Nepotism Ordinance to help remedy these, and other negative consequences associated with Nepotism in county government.

Section III. Prohibitions

- (A) **Departmental Elected Officials** are prohibited from employing, or considering for employment, any Relative for placement in the department or office over which the Departmental Elected Official presides.
- (B) **Appointed Department Directors** are prohibited from employing, or considering for employment, any Relative for placement in the department or office over which the Appointed Department Director presides.
- (C) No person may be employed or considered for employment where such employment would be under the **Direct Supervision of a Relative**.
- (D) No person may be employed or considered for employment where such employment would make the person a **Direct Supervisor of a Relative**.
- (E) In addition, no person may take part in actions concerning, or tending to influence, the promotion, discipline or dismissal of any Relative.

Section IV. Exceptions

- (A) Nothing in this ordinance is intended, nor shall it be construed, to require dismissal, reassignment or similar action of any Current Employee as defined herein.
- (B) In the event this Ordinance is contrary to any existing contract, collective bargaining agreement or statutory right of any employee, such collective bargaining agreement or statutory right shall be controlling.
- (C) This Ordinance does not apply to non-compensated voluntary activities.

Section V. Severability

If any Court of competent jurisdiction shall enter an Order finding any portion of this Ordinance invalid or unenforceable, such order shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect.

Section VI. Effective Date

All ordinances or portions thereof in conflict with this Ordinance are hereby repealed. This Ordinance shall take effect upon passage.

Presented to the Council of Starke County, Indiana, and approved on the first reading the 21st day of November, 2011, by the following vote:

COMMISSIONERS OF STARKE COUNTY

VOTE

yes

Daniel Bridegroom

Dan Bridegroom, President

yes

Kathy Norem

Kathy Norem, Vice-President

yes

Jennifer Davis

Jennifer Davis, Secretary

ATTEST:

Katherine Chaffins

Katherine Chaffins, Auditor
Of Starke County Indiana