

## Office of Personnel Management

### Policy

<b>Policy Title:</b> Hiring Relatives	<b>Policy Number:</b> 30.15
<b>Citation:</b> Arkansas Code Annotated § 25-16-1001 through 1007	<b>Forms:</b> None

### Purpose

Arkansas Law prohibits the hiring of relatives by public officials and prohibits a state agency and institution employee from supervising a relative.

### Definitions

Employee: A person whose employment is not seasonal or temporary and whose actual performance of duty requires one thousand (1,000) or more hours during a fiscal year.

Public Official: The Secretary of State, Governor, Lieutenant Governor, Treasurer of the State, Auditor of the State, Attorney General, Commissioner of State Lands, a member of the Senate, a member of the House of Representatives, and the executive head of any agency, department, board, commission, institution, bureau, or council of this state.

Relative: A husband, wife, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, stepsister, half-brother, half-sister, brother-in-law, sister-in-law, daughter, son, stepdaughter, stepson, daughter-in-law, son-in-law, uncle, aunt, first cousin, nephew, or niece.

State agency: All boards, commissions, departments, agencies, institutions, state-supported institutions of higher education, and offices of constitutional officers of the State of Arkansas; and The General Assembly, including divisions, commissions, and bureaus operating under the authority of the General Assembly.

Supervisory employee: Any individual having authority in the interest of the state agency to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees of a state agency; or the responsibility to direct other employees of a state agency, to adjust their grievances, or to effectively recommend an action if the exercise of authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

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A public official shall not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the state agency in which the official is serving or which the official exercises jurisdiction or control over any person who is a relative of the public official and is an employee of a state agency or as a result of the public official's action could be an employee of a state agency.

Within each state agency, no employees who are related shall be placed within the same line of supervision whereby one relative is in a supervisory position over the other. A temporary change in supervision resulting in the supervision of a relative will not be considered a violation of Arkansas law provided the supervision does not exceed 30 days. No hiring, firing, pay adjustments, or other personnel actions may occur during this temporary period of supervision.

If as a result of a marriage that occurs after August 12, 2005, employees of a state agency are in violation of this, the resolution is either:

1. Transferring one (1) of the employees to another position within the state agency;
2. Transferring one (1) of the employees to another state agency; or
3. The resignation of one (1) of the employees.

The employees shall be given written notice of these alternatives and shall have the opportunity to select among them. If the employees are unable to agree within sixty (60) days of the notice, the public official shall take action to eliminate the violation.

The nepotism section of the State of Arkansas Employment Application shall be completed in its entirety listing the name, relationship, and job title of all relatives currently employed by the state agency for which application of employment is being submitted. The Human Resources section of the agency or institution will then decide if the hiring of the applicant is in violation of this law.

If an employee of an agency suspects a violation of this law has occurred, they should submit the information in writing to the Office of Personnel Management. OPM will determine if a violation has occurred and report such violations to the Attorney General's Office for resolution.

Penalties

If anyone approves a position and authorizes compensation to an employee in violation of this law, the person will be charged with a Class A misdemeanor. A public official who knowingly violates this law shall be subject to a civil penalty of one thousand dollars (\$1,000).

February 13, 2011