

Prepared by the Office of Human Resources.  
This is a new Administrative Procedure.

November 2001

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## EMPLOYEE RELATIONS AND WORKING CONDITIONS

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### A9.335 Employment of Relatives

#### 1. Purpose

To ensure compliance with the Board of Regents policy on the employment of relatives.

The University's fundamental employment policy is the selection of the most qualified candidate for the position. It is also the University's policy to not discriminate in employment and to ensure fair, objective, equitable treatment of all applicants and employees. This policy is extended to include the employment of relatives of members of the Board of Regents.

In the event that the most qualified applicant for any position is a relative of a member(s) of the Board of Regents or a University employee(s), the Board of Regents' policy requires that safeguards be instituted to ensure that the free and open operation of the unit and conduct of its employees are not inhibited.

#### 2. Objective

The University recognizes that the employment of relatives can lead to the potential for, or appearance of, favoritism and conflicts of interest which may adversely affect the work environment. These guidelines are established to identify, minimize and resolve potential favoritism and conflicts of interest when relatives are employed.

#### 3. References

Section 9-4, Employment of Relatives, Board of Regents Policies.

Section 84-13, Hawai'i Revised Statutes, relating to fair treatment.

Section 84-14, Hawai'i Revised Statutes, relating to Conflicts of Interest.

4. Definitions

As used in this procedure, "relative" includes husband-wife, parent-child, sibling, and any other familial relationship, including domestic partners.

5. Applicability/Responsibility

This procedure applies to all employees of the University of Hawai'i, including relatives of the members of the Board of Regents, Board of Regents appointees and University employees subject to Chapter 76, Hawai'i Revised Statutes.

The respective campus administrators are responsible for ensuring compliance with Board policy and this procedure.

6. Guidelines

a. Recruitment and Selection

The University's recruitment and selection procedures are designed to select the most qualified candidate for the position and to afford all applicants fair, objective, and equitable treatment. The employment of a relative of a University employee or Regent shall be determined by the same principles applicable to the employment of any other employee of the University. A relative of a Regent or University employee shall be judged on his or her own merits and shall not be evaluated (favorably or unfavorably) based on the relationship to a Regent or employee.

University employees shall not participate in searches or appointment decisions if a relative is a candidate for the position. If, during the course of filling a position, an employee becomes aware that a relative is an applicant for the position, the employee shall immediately disclose the relationship to the selection committee or authority and disqualify himself/herself from further

participation in the selection process.

A member of the University staff or Board of Regents shall not participate in the processes of review and decision-making or any matter concerning the appointment, evaluation, promotion, salary, retention, investigation, discipline, termination, or other action affecting the employment of a relative.

b. Disclosure

All employees are required to disclose the names and relationships of all known relatives or any familial relationship with any applicant for a position in the same employing unit as the employee.

All employees are required to disclose the names and relationships of all known relatives or any familial relationship with any employee in the same employing unit at the time of any change in employment status, such as transfers, movement from one unit to another, and of any change in personal status or personal relationships such as marriage and adoption.

Subject disclosure shall be made as soon as the employee is made aware of such relationship.

Such disclosure shall be made on the UH Form 88 - "Disclosure on the Appointment of Relatives" provided herein as an Attachment to this procedure.

c. Supervisory Relationships

In the event there is a supervisory relationship between relatives:

- 1) There shall be guarantees that the familial relationship will not inhibit the free and open conduct of business of the other members of the unit.
- 2) The relative in the supervisory position must disqualify himself/herself from all

deliberations and actions affecting economic benefits of the relative and other actions where appropriate involving the relative in the non-supervisory position; and

- 3) Evaluation of performance and professional competence shall be carried out objectively and fairly through committees and outside review; and
- 4) At no time shall the relative in the supervisory position unduly influence:

- (1) the outcome of any deliberations which result in additional remuneration or benefit to the relative or

- (2) investigations or decisions related to disciplinary actions, misconduct, work assignments, etc.

## 7. Procedure

The appointing authority shall ensure that the employment of relatives in the same unit (i.e., college, division, systemwide/campuswide administrative office) is timely disclosed through completion of the attached form.

The respective campus administrators are responsible for ensuring compliance with Board policy and this procedure. While general responsibility for assuring adherence to Board policy and this procedure may rest with campus administrators and appointing authorities, a particular responsibility for sensitivity to the potential conflicts falls on the related employees.

The completed form shall be filed in the respective personnel files of the related employees.

DISCLOSURE OF THE EMPLOYMENT OF RELATIVES  
in the same department/college/office

TO: Chancellor

FROM: \_\_\_\_\_  
Dean/Director/Provost

SUBJECT: Employment of Relatives

I hereby report the appointment/employment of a relative of an employee. The referenced individuals are:

Name of First Employee: \_\_\_\_\_

Name of Second Employee: \_\_\_\_\_

A supervisor-subordinate relationship exists/does not exist (*cross out inapplicable phrase*) between the cited employees.

In the case of a supervisor-subordinate relationship, the employees have affirmed by signature below that they will comply with the Board of Regents policy on the employment of relatives.

\* \* \* \* \*

Supervisor's Affirmation

In accordance with the Board of Regents' policy on the employment of relatives, I hereby declare that I will disqualify myself from all deliberations and actions affecting economic benefits to my relative and other actions where appropriate. Work assignments shall be made objectively and fairly. I will recuse myself from the evaluation of performance and professional competence and shall rely on committees and outside review to the extent possible.

\_\_\_\_\_  
Signature of Supervisory Employee-Relative

\_\_\_\_\_  
Date

Acknowledged by:

\_\_\_\_\_  
Signature of Subordinate Employee-Relative

\_\_\_\_\_  
Date