

ORIGINAL

ORDINANCE NO. 2012-019
DELAWARE COUNTY BOARD OF COMMISSIONERS

AN ORDINANCE ADOPTING THE DELAWARE
COUNTY ANTI-NEPOTISM POLICY

WHEREAS, as of July 1, 2012, it is the law of the State of Indiana that all county governments adopt an anti-nepotism policy that complies with IC 36-1-20.2 and IC 36-1-21.

WHEREAS, the Delaware County Anti-Nepotism Policy, a copy of which is attached hereto, complies with the law of the State of Indiana, and will, from this date, be the official policy of Delaware County.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED BY THE COUNTY OF DELAWARE, INDIANA BOARD OF COMMISSIONERS THAT:

- The attached Delaware County Anti-Nepotism Policy is hereby adopted this 4 day of June, 2012, and the same shall be in full force and effect upon adoption; and
- The attached Delaware County Anti-Nepotism shall be read to supersede or repeal and existing oral or written policies and procedures of Delaware County that are in conflict, therewith.

DELAWARE COUNTY COMMISSIONERS

By: [Signature]
Todd Donate, President

By: [Signature]
Larry Bledsoe

By: [Signature]
Don Dunnuck

ATTEST:

[Signature]
Judy Rust, Delaware County Auditor

Delaware County Anti-Nepotism Policy

DEFINITIONS:

- A. "Direct line of supervision" shall mean: an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. The term shall not include the responsibilities of the executive body, legislative body or fiscal body of Delaware County, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of Delaware County.
- B. "Employed" shall mean: an individual who is employed by Delaware County on a full-time, part-time, temporary, intermittent, or hourly basis. The term shall not include an individual who holds only an elected office. The term shall include an individual who is a party to an employment contract with Delaware County.
- C. "Relative" shall mean any of the following: a spouse; a parent or stepparent; a child or stepchild; a brother, sister, stepbrother, or stepsister; a niece or nephew; an aunt or uncle; or a daughter-in-law or son-in-law.
- D. "Brother" and "Sister" shall include a brother or sister by the half blood.
- E. Furthermore, an adopted child of an individual shall be treated as a natural child of the individual.

EXCLUSIONS:

- A. The Delaware County Anti-Nepotism Policy (the "Policy") shall not apply to individuals employed by the County as of July 1, 2012, unless the individual has a break in employment with the County AFTER July 1, 2012.
 - 1. A "break" in employment shall not include:
 - a. Time away from work while on paid or unpaid leave, vacation, sick, family medical leave, or worker's compensation; or
 - b. Termination of employment which is followed by immediate reemployment by the County, with no loss of payroll time.
- B. The Policy shall not apply to volunteer fire-fighters or precinct election officers, as defined in IC 3-5-2-40.1.
- C. Furthermore, the Policy does not end or affect an employment contract with a unit that (1) an individual is party to and (2) that is in effect on the date the individual's relative begins serving a term of an elected office of the unit.

EMPLOYMENT PRACTICES

- A. Units cannot employ relatives in such a way that puts one relative in the direct line of supervision of another relative.
- B. If an individual is employed by Delaware County on the date his or her relative begins serving a term of an elected office of the unit, and is not exempt from the application of this statute, the individual can remain employed in the same position or rank, even if it violates the prohibition against one relative being in the direct line of supervision of another. However, such an individual cannot 1) be promoted to a position, or 2) be promoted to a position that is not within the merit ranks, in the case of an individual who is a member of a merit police department or merit fire department, if the new position would violate the prohibition against one relative being in the direct line of supervision of another.
- C. A sheriff's spouse may be employed as prison matron.
- D. A person who has served as coroner, is currently ineligible to serve as coroner under Article 6, Section 2(b) of the Constitution of the State of Indiana, as coroner received certification under IC 36-2-14-22.3, or whose successor in the office of coroner is a relative of the individual may be hired in the position of deputy coroner and be in the coroner's direct line of supervision.

CERTIFICATION REQUIREMENT

Each year all elected officers of the County must certify in writing that he or she has not violated IC 36-1-20.2 or IC 36-1-21, pursuant to which the Policy is promulgated. Certifications must be submitted to the Delaware County Board of Commissioners no later than December 31 of each year.

CONTRACTING REQUIREMENTS

- A. Delaware County shall not enter into a contract or renew a contract for the procurement of goods and/or services, or a contract for public works with an individual who is a relative of an elected official or a business entity that is wholly or partially owned by a relative of an elected official unless:
 1. The elected official complies with the dictates of IC 35-44-1-3 if applicable, and files with Delaware County a full disclosure, which must:
 - a. be in writing;
 - b. describe the contract or purchase to be made by Delaware County;
 - c. describe the relationship that the elected official has to the individual or business entity with whom the County will be contracting;
 - d. be affirmed under penalty of perjury;
 - e. be submitted to the County Council, and be accepted by the County Council in a public meeting prior to final action on the contract;
 - f. be filed, not later than 15 days after final action on the contract or purchase, with:
 - i. the State Board of Accounts; and
 - ii. The clerk of the Delaware County Circuit Court.

2. Furthermore, the appropriate agency of Delaware County shall:

- a. make a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered; or
- b. make a certified statement of the reasons why the vendor or contractor was selected; and

3. The County satisfies any other requirements under IC 5-22 or IC 36-1-12.

B. This provision DOES NOT affect the initial term of a contract in existence at the time the term of office of the elected official begins.

COUNTY BOARD OF COMMISSIONERS STATEMENT OF ADOPTION

The Delaware County personnel report submitted after December 31, 2012 must include a statement by the Delaware County Board of Commissioners that Delaware County has implemented an anti-nepotism policy in compliance with IC 36-1-20.2 and IC 36-1-21.