**5.2.2**       **Nepotism and Fraternization Exception Request**

**(a) Policy**

It is the policy of California Department of Corrections and Rehabilitation (CDCR) to recruit, hire, and assign all employees on the basis of merit and fitness in accordance with civil service statutes, rules, and regulations. This policy is intended to uphold the merit principle of civil service by preventing and prohibiting preferential treatment or bias due to personal relationships. Nepotism is antithetical to a merit-based personnel system and staff shall not use their personal relationships to aid or hinder others in the employment setting. CDCR reserves the right to initiate mandatory reassignments, employee transfer, or take other administrative action to avoid or correct situations where the potential for employment decisions based on nepotism exists.

**(b) Procedure**

**(1) Exception Request**

   (A) The hiring manager or supervisor shall prepare the exception request in memorandum format (refer to the Nepotism and Fraternization Exception Request Memorandum Template). The memorandum shall clearly identify the personal relationship of the employees in question and how an exception, if granted, will contribute to the operational needs of the organization and mitigated within the reporting structure.

**(2) Submission of Exception Request**

   (A) The local Hiring Authority (HA), shall review mitigating factors of the exception request:

      1. If the HA is a Chief Executive Officer, the exception request shall be forwarded to the Regional Health Care Executive (RHCE). RHCE shall review and provide their recommendation within three business days.

      2. The exception request shall be forwarded to the Chief, Classification and Pay (C&P) and Transactions & Benefit Services (TBS) or the Regional Personnel Administrator (RPA).

   (B) The Chief, C&P/TBS or RPA shall review the exception request pursuant to California civil service laws and rules and other factors that may impact the exception decision and provide a written recommendation to the Deputy Director (DD), Human Resources (HR). The Chief C&P/TBS or RPA shall provide their recommendation within two business days.

   (C) The DD, HR, shall review and provide a final recommendation to CCHCS Office of Legal Affairs (COLA) within two business days.

   (D) COLA shall review and provide a final written determination to approve or deny the exception request to the DD, HR within five business days. After receiving the final determination from COLA, the DD, HR, or designee, shall provide a written response to the HA within one business day.

   (E) The HA shall ensure a copy of the response is retained in the candidate's interview folder or forward a copy to the local Personnel Specialist for filing in the employee's Official Personnel File (OPF).

      1. If the exception request is approved:

        a. The HA shall also ensure a copy of the approval is provided to the candidate or employee.

        b. The supervisor and employee shall have memorandums documented in the OPF indicating their understanding of the conflict to DOM Section 33010.25 and methods which are being instituted to mitigate.

      2. If the exception request is denied, an alternative means of resolving the policy conflict shall be implemented, including reassignment of one of the affected employees (if both are current employees), or selecting an alternate candidate.

**References**

- Nepotism and Fraternization Exception Request Memorandum
http://lifeline/PolicyandAdministration/ResourceManagement/HumanResources/Hiring/NepotismExceptionRequestMemo%204.21.pdf
- California Department of Corrections and Rehabilitation, Department Operations Manual, Chapter 3, Article 20, Section 33010.25 Nepotism/Fraternization
- California Department of Human Resources Rules 599.714 – 599.721 and 599.723 – 599.724

**Revision History**

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