

## **Nepotism**

This area of the law has become very complicated and has made many an attorney rich. Extreme care must be taken when decisions are made about hiring and firing individuals. Cities and towns are subject to various state and federal regulations and laws that have almost made it impossible for a city or town to make personnel decisions without consulting an expert of some sort. The part-time city official should be very careful in this area and not be too proud to seek advice as to how to proceed in any significant personnel decision.

With these warnings in mind, this chapter is intended to give a broad overview of some of the rules and regulations regarding personnel matters. It is not everything you need to know on this subject. There is too much law for one chapter or even one book. It should not be relied on as anything other than an introduction to these personnel issues.

When hiring an employee, some common-sense rules can keep a city or town out of trouble. No employment decision should be made on the basis of race, age, disability, sex, national origin, or any other of the classes protected by state and federal law. Decisions should be made on the basis of ability alone. Several state and federal rules and laws have been enacted to ensure that no discrimination takes place and that when it does occur that there will be a punishment. These regulations include things such as what questions can be asked in employment applications, in interviews, and what may or may not be included in job announcements. Before hiring, it is wise to review these regulations with a professional to make sure no unintended mistakes are made.

State law specifically precludes some hiring of relatives. This law makes it a crime to recommend for employment or actually hire a relative for a public position when you are also going to be the relative's supervisor. It is also against the law to supervise a relative or be supervised by one. There are several exceptions to these prohibitions that are designed to bring an element of fairness to them. These exceptions include things like the relative had the employment before the supervisor was elected or chosen and for part-time employees. If an exception is not clearly applicable, it should not be used to excuse nepotism since this is a criminal offense. A relative, for purposes of this state law, includes father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, sister-in-law, son-in-law, or daughter-in-law. However, in towns, relative does not include uncles, aunts, nephews, nieces, or cousins.