

Guidance on Family and Romantic Relationships at Work Policy for Human Resources Professionals

Civil Service Commission
Department of Human Resources



CITY POLICY PURPOSE

A workplace where employees maintain clear boundaries between family, personal, and work relationships leads to an environment that:

- Is fair, equitable, and safe;
- Promotes high employee morale; and
- Ensures trust in the City's merit-based employment system.





Policy Adoption & Enforcement

- Civil Service Commission adopted the policy February 6, 2017
- Enforcement begins July 1, 2017

POLICY REVIEW

Employees may not make, participate in making, or influence any employment decision involving a related person

POLICY





Employment Decision



Related Person



Direct Supervision



Indirect Supervision



Employment Decision Examples

Hiring, promoting, transferring, or re-assignment

Interview panel

Performance appraisals

Approving leave

Approving overtime or any other compensated time

Civil service exam

Assigning work

Administrative investigation or discipline

Approving reimbursements

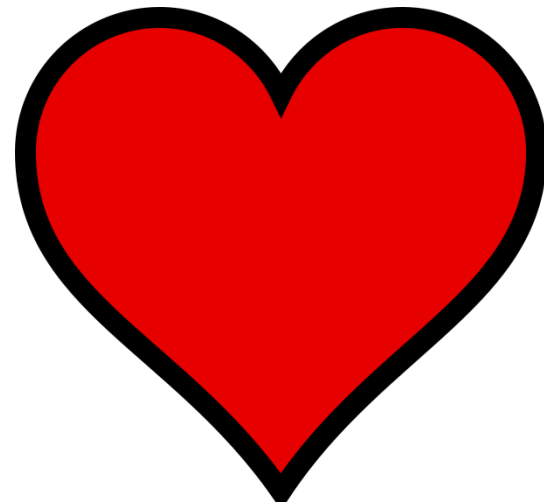
Permission to attend a work-related event



Related Person

Family member

Consensual romantic relationship occurring within the last two years





Direct Supervision

One employee is responsible for the work of another employee





Indirect Supervision

One employee directing the work of another employee through the organizational structure or chain of command





Employees



City officers



Elected officials



Interns



Volunteers

REPORTING & COMPLIANCE



Reporting & Compliance

Related Person + Employment Decision = Policy Violation

Remember, an employee cannot make an employment decision about a related person

For example: sitting on an interview panel, administering civil service exams, conducting investigations and discipline, approving comp time or overtime, approving leave, etc.

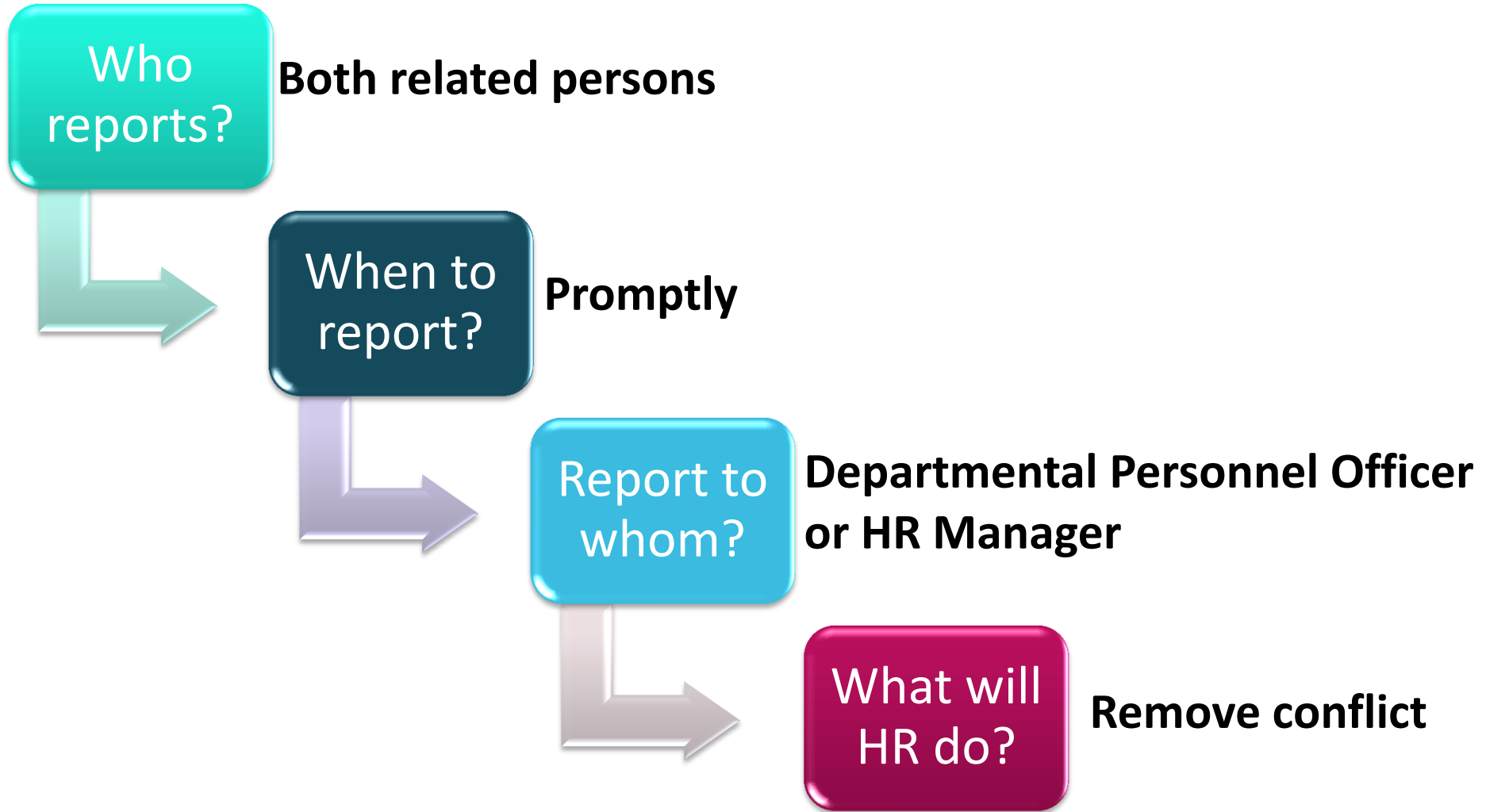
Related Person + Supervision = Reporting Requirement

Reporting is required when supervision is involved so conflicts related to making employment decisions can be removed

For example: Assigning work, hiring, promoting, transferring, conducting performance appraisals, approving leave, approving comp time and overtime, granting permission to attend conferences, etc.

**Reporting is a confidential
process**

HR reps will not tell anyone who
does not need to know



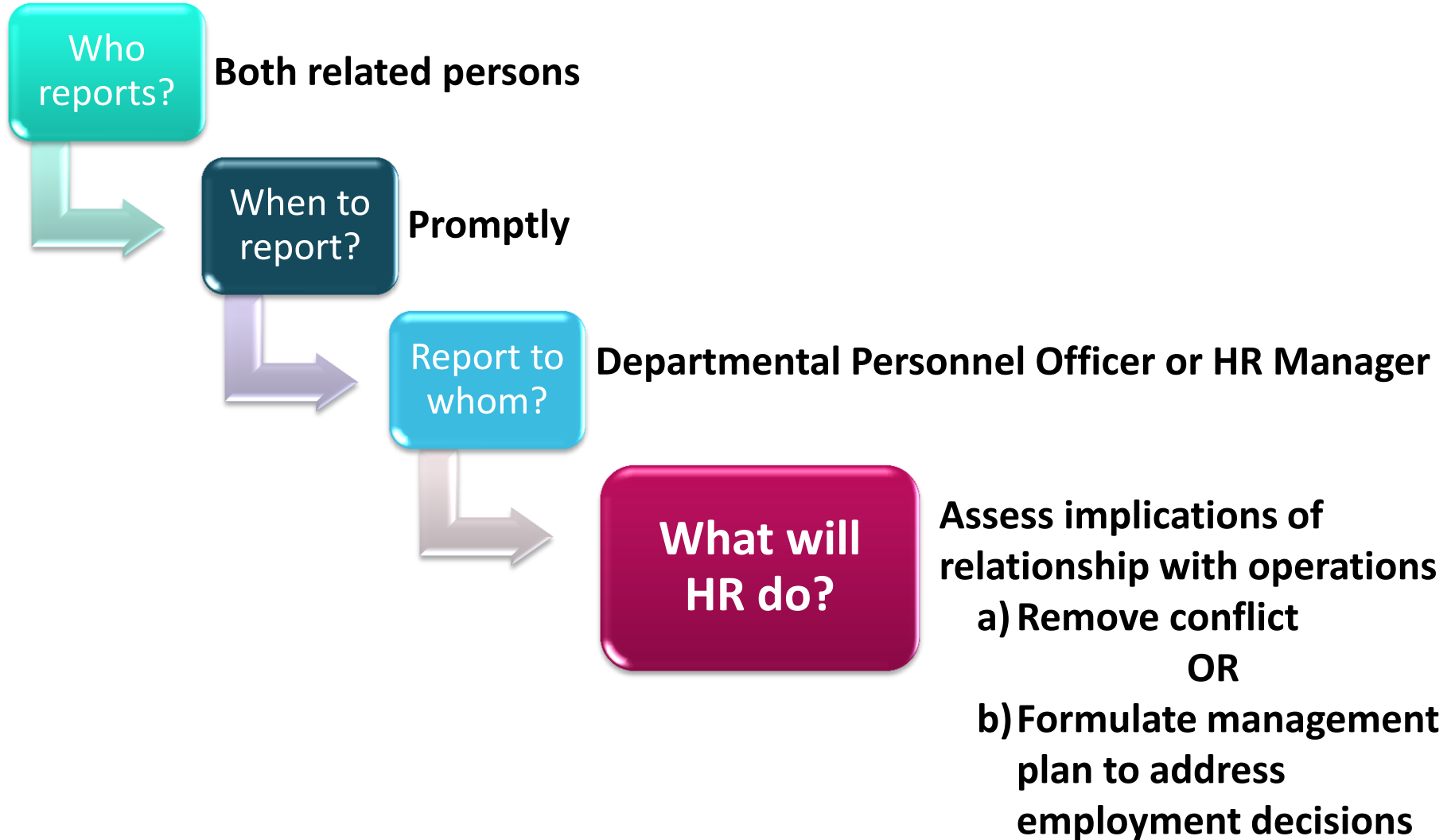


How will HR remove the conflict?

HR will work with operational and executive teams to move one of the related persons

Ways to remove the conflict could include:

- Give both related persons the opportunity to be voluntarily reassigned
- Reassign the supervisor to a different role
- Reassign the employee to a different supervisor
- Transfer one of the related persons to a different position in same classification



Management plans must address:

Supervision

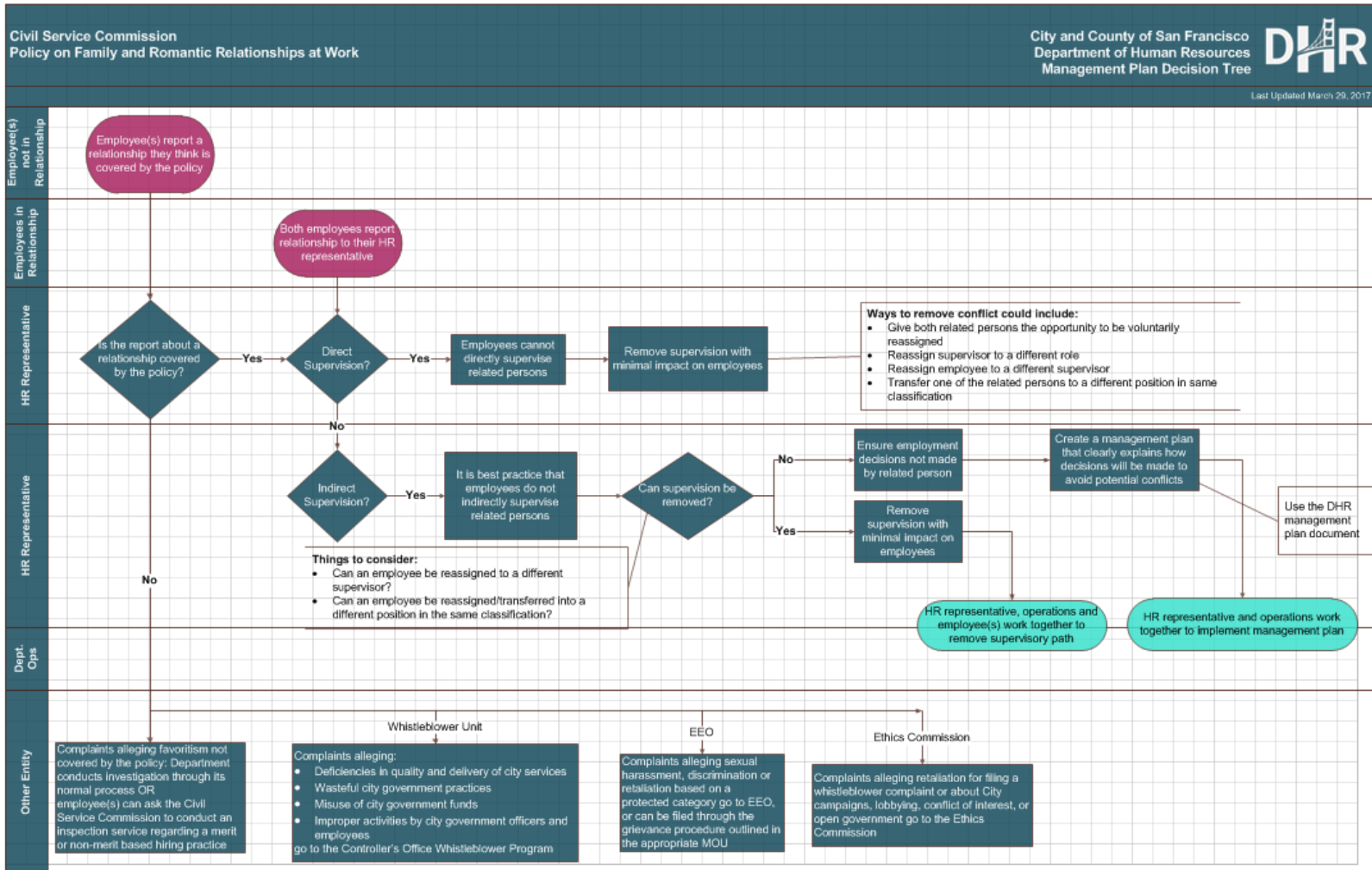
Reporting relationship

Evaluation

Ensure supervisor does not participate in
employment decisions



Management Plan Decision Tree





Management Plan

City and County of San Francisco
Micki Callahan
Human Resources Director



Department of Human Resources
Connecting People with Purpose
www.sfdhr.org

Family and Romantic Relationships at Work Policy - Management Plan

On February 8, 2017, the Civil Service Commission adopted a Policy on Family and Romantic Relationships at Work (policy).¹ The policy prohibits employees from directly supervising related persons as defined in the policy. The policy also provides that it is best practice that employees not indirectly supervise related persons, but provides for exceptions on a case-by-case basis. If a department cannot remove a conflict for operational reasons in an indirect supervision situation, the department "shall formulate a management plan to address the indirect supervisory relationship while minimizing impact on the employees involved."

The [AAM] (department) has learned that [] (Related Subordinate) and [] (Related Supervisor) are related persons as defined in the policy.

- Related Supervisor indirectly supervises Related Subordinate.
- Related Supervisor does not currently supervise Related Subordinate, but the department intends to make a staffing change that would result in Related Supervisor assuming an indirect supervisory role regarding Related Subordinate.

The department's human resources division has evaluated the [working relationship] between Related Supervisor and Related Subordinate and has determined that it [conflicts] with the policy. For operational reasons, however, the department has determined that it cannot remove the conflict.

Section V.2. of the policy requires the department to prepare a management plan in such a situation. The plan allows the related persons to maintain their positions [] by reassigning employment decisions for Related Subordinate to someone other than Related Supervisor, as identified below, so that Related Supervisor does not make, participate in making, or influence any employment decisions regarding Related Subordinate.

I. EMPLOYEE INFORMATION

Related Subordinate			
Name:		Job title:	
DSW number:		Department:	AAM
Classification number:		Division/Unit:	
Related Supervisor			
Name:		Job title:	
DSW number:		Department:	AAM
Classification number:		Division/Unit:	

¹ The Policy is available on Civil Service Commission website and its terms, including definitions, are incorporated by reference.

REPORTING RELATIONSHIP ASSESSMENT

Identify the [current] reporting relationship between Related Subordinate and Related Supervisor, and identify supervisors in the chain of command between them.

Why is it not operationally feasible to remove the reporting relationship between Related Subordinate and Supervisor.

CONFLICT RESOLUTION PLAN

Identify employment decisions Related Supervisor currently makes, participates in making, or might influence regarding Related Subordinate.

Reassigning work

Preparing, conducting, or contributing information to a performance appraisal

Initiating an administrative investigation or discipline

Promoting, transferring, or re-assigning

Approving overtime or any other compensated time

Approving vacation, sick, or other leave time

Granting or denying permission to attend a conference or other work-related event

Approving reimbursement for work-related expenses

Other, describe below:

Identify the employee who will make, participate in making, or otherwise influence the above-selected employment decisions regarding Related Subordinate in place of Related Supervisor. If multiple employees are assigned to make the plan must identify each of them.

Name:		Job title:	
DSW number:		Department:	AAM
Classification number:		Division/Unit:	

Provide below any additional information about how the reporting structure will be modified, or the reason it does not need to be modified.

Describe how the management plan seeks to minimize the impact of the related persons' reporting relationship on other employees.

TERMS OF THE MANAGEMENT PLAN

The department may periodically review, revise or revoke the management plan based on operational or other considerations, including but not limited to, changes in department staffing or the related persons' relationship status.

The management plan does not create a right by either related person to a particular assignment or reporting structure that will be changed or revoked by the department without notice.

Violation of the management plan is a violation of the policy itself.

AGREEMENT AND APPROVAL


Subordinate	
I have received the management plan, understand its terms, and agree to comply with it.	
Signature:	Date:
Supervisor	
I have received the management plan, understand its terms, and agree to comply with it.	
Signature:	Date:

Full Name:		Date:	
Signature:		Date:	
Employee Making/Participating in Making Employment Decisions for Related Subordinate Instead of Related Supervisor			
I have received the management plan, understand its terms, and agree to comply with it.			
Full Name:		Date:	
Signature:		Date:	



Exams, Hiring Panels or SMEs

- Use forms that require panelists or subject matter experts to disclose related persons and maintain confidentiality

 City and County of San Francisco DEPARTMENT OF HUMAN RESOURCES	POSITION BASED TESTING JOB ANALYSIS SUBJECT MATTER EXPERT BACKGROUND QUALIFICATIONS AND STATEMENT OF CONFIDENTIALITY
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Position Based Testing Class No. and Title:

Date:

Name: Work Phone:

Sex: Male Female

Ethnic group: White African-American Hispanic Asian/Pacific Islander
 Filipino American Indian/Alaskan Native Other

Current job class #: Title:

Department: Section/Division:
Number of years in tested class: Number of years supervising tested class:

Briefly describe your experience, training and education in this area:

Do you know of a family member, relative or close friend filing for this examination? Yes No

If at a later date, I learn that one of the above has filed, I realize I **MUST** notify the analyst.

I understand that **all information discussed concerning an examination is of a highly confidential nature**. I further understand that to discuss these matters outside of job analysis and test development meetings is unfair to candidates and is illegal.

Signature: _____ Date signed: _____

FOR DHR USE ONLY

Participated in:

<input type="checkbox"/> First Job Analysis Meeting	<input type="checkbox"/> Second Job Analysis Meeting
<input type="checkbox"/> Test development: indicate type(s) of test	<input type="checkbox"/> Test review: indicate type(s) of test

Continued on back

Department of Human Resources
City & County of San Francisco

1 (of 3) 8/11/09

Test Security Agreement and Statement of Responsibility For Test Development and Administration Staff

I understand and expressly acknowledge that:

The loss or disclosure of examination information or material, unintentional or otherwise, is a very serious matter as it can render a test invalid and useless. Since examinations represent a significant investment in time and money to develop and administer, any loss of test security can be very costly, disruptive and harmful to the operations of the Department of Human Resources (DHR) and/or other City and County of San Francisco (CCSF) departments. Further, the loss of examination and exam-related material undermines the public's trust and confidence in this Department, the CCSF and the merit system.

Similarly, applicant or candidate information (including, but not limited to, test answers, test scores, and personal information such as addresses, social security numbers, disabilities, etc.) must be safeguarded and kept confidential.

Everyone who is involved in test development and administration therefore has a special responsibility to uphold the public trust and merit system principles. Moreover, test development and administration staff is legally and ethically obligated to protect examination material and to maintain the confidentiality of applicant and test-related information. Everyone who participates in test development or administration must protect the value of secure examinations and observe security precautions when working with tests and test-related information. Indeed, there is no time during a test's development or administration that the security of an examination or examination-related material is not the responsibility of those who are entrusted with these activities.

I am aware of the confidential nature of my work and therefore expressly acknowledge that:

1. I may be given access to confidential data, examination material or test-related information in association with work that I perform for the CCSF. Any such material or information for which I am given access is the property of the CCSF. Dissemination of this information or material to persons other than designated, authorized CCSF representatives is strictly prohibited.
2. I may be a party to conversations or discussion wherein confidential examination-related information is discussed. Dissemination of the content of these conversations to persons other than authorized CCSF employees is strictly prohibited. I am strictly prohibited from

SCENARIOS

1. Read scenario

2. Discuss policy implications

3. Decide HR rep's course of action



Scenario 1: John & Sally

READ

John and Sally are both custodial supervisors at SFMTA, and are married. John works the day shift, and Sally works the swing shift. They each supervise a group of five custodians, and both report directly to Maria, Manager of Custodial Services. Maria approves all time off and overtime requests for custodians, and custodial supervisors (including John and Sally)

- Is John and Sally's relationship covered by the policy?
- If so, should SFMTA take steps to manage this relationship?
- If so, what steps?





Decide

- There is no supervisory relationship between John and Sally
- Not covered by policy
- No action needed

John and Sally divorce. Six months following their divorce Maria goes on leave for one year and appoints Sally Acting Manager of Custodial Services in her absence



- Is the relationship covered by the policy?
- If so, should SFMTA take steps to manage this relationship?
- What are those steps?



- John and Sally divorced within 2 years
- Direct supervision violates the policy
- Action needed:
 - John and Sally must report relationship to HR manager
 - HR manager works with operations to remove conflict



Decide



READ

Victoria and Jenny are best friends. They have known each other since college and now they are coworkers at the Department of Public Health. Victoria was recently promoted and now directly supervises Jenny

- Is the relationship covered by the policy?
- If so, should DPH take steps to manage relationship?
- What are those steps?



- Direct or indirect supervision of a friend does not violate the policy
- Favoritism is still not allowed and Victoria should be careful to avoid the perception or existence of favoritism towards Jenny
- **Remember:** Supervisors and managers should avoid any appearance of favoritism in the workplace



Scenario 4: Louis and Rita

Louis is a division director at HSA and has been asked to sit on a hiring panel for a new eligibility worker. Louis finds out that his cousin, Rita, is a candidate



- Is the relationship covered by the policy?
- If so, what steps should Louis take to prevent a violation?





Decide

- First cousins are covered by policy
- Louis should recuse himself from panel
- Note: Policy says first cousins, but employees should use good judgment. If employees have close relationships with second or third cousin they may be interviewing, best practice is to not be involved
- **Remember:** Supervisors and managers should always avoid even the appearance of nepotism or favoritism



READ

Gina is an exam analyst at the PUC, writing a PBT exam for a position in the department. Gina knows her wife, Carol, is planning to apply to take the exam

- Is the relationship covered by the policy?
- If so, what steps should Gina take to prevent a violation?



Scenario 5: Gina and Carol

- It is covered by the policy
- Gina should notify her supervisor that her wife is planning to take the exam
- Exam should be assigned to someone else

A dark blue, multi-pointed starburst graphic with a light blue outline. The word 'Decide' is written in white, bold, sans-serif font across the center of the starburst.

Decide



Scenario 6: Chief Stephens & Anna

Chief Stephens is Deputy Chief of Operations at the SF Fire Department, and one of two Deputy Chiefs (the other is Deputy Chief of Administration). In his role as Deputy Chief of Operations, Chief Stephens oversees five Divisions:

- (1) Fire Prevention and Investigation
- (2) Special Operations
- (3) Emergency Medical Service
- (4) Emergency Communication
- (5) Airport Division



In total, Deputy Chief Stephens directly or indirectly supervises over 1,000 SF Fire Department members



Scenario 6: Chief Stephens & Anna

Deputy Chief Stephens' niece, Anna applies for a job opening for a HIPAA Compliance Officer with SFFD. The HIPAA Compliance Officer reports directly to the Deputy Chief of Administration



- If Anna is selected for the HIPAA Compliance Officer, is the relationship covered by the policy?
- If so, should SFFD take steps to manage relationship?
- What are those steps?



- HIPPA Compliance Officer Reports to the Deputy Chief of Administration, not the Deputy Chief of Operations
- No supervision, no policy violation
- No action needed



Decide

Anna applies for the Assistant Deputy Chief of Emergency Medical Services with SFFD



READ

Remember: In his role as Deputy Chief of Operations, Chief Stephens oversees five divisions:

- (1) Fire Prevention and Investigation
- (2) Special Operations
- (3) Emergency Medical Services
- (4) Emergency Communication
- (5) Airport Division

- Should Anna be hired for this position?
- If Anna is hired, is the relationship covered by the policy?
- If so, what steps should SFFD take to manage relationship?



Discuss



Scenario 7: Chief Stephens & Anna

- Best practice = no indirect supervision of related persons
- If Anna is the best candidate for the job and is hired, HR representative must create a management plan to ensure Deputy Chief Stephens does not make or influence any employment decisions about Anna



Decide

Scenario 8: Chris & Daisy

A rumor has been circulating in your department that Daisy, an intern, has been dating Chris, a manager. On two different occasions you've taken in complaints regarding the two. One employee has complained of favoritism and another employee has complained about observing Chris and Daisy behind closed doors



- How should the HR manager handle the situation?



- HR manager should talk to Chris to find out what's going on
- Inform Chris of the policy and his and Daisy's obligation to report
- Discuss the implications and remind Chris of his obligations as a manager
- Document the conversation





Scenario 9: Miles and Lucy

Miles and Lucy have been dating for about three months. Lucy is Miles's indirect supervisor. Miles reports their relationship to their HR representative, Angelica. But when Angelica asks Lucy about the relationship, she denies it exists and tells Angelica she's married (not to Miles)



- What should Angelica do?



- Angelica should talk to Lucy and:
 - Remind her of policy and obligation to report
 - Assure her reporting is a confidential process
- If Lucy sticks to her guns Angelica should conduct an investigation
- If she determines Lucy and Miles are in a relationship, she should:
 - Assess workplace implications of the relationship to determine:
 - If she can remove supervision, or
 - Put a management plan in place to address all employment decisions
 - Determine if discipline should be imposed on Lucy



Decide



Scenario 9: Miles and Lucy

- If a related person refuses to report a relationship or does not cooperate with an investigation, he or she may be subject to discipline



Scenario 10: Katie & Mark

Katie and Mark are domestic partners and they both work at the Controller's Office. Normally, they work in completely separate units, but Mark has been assigned as the lead of a project Katie is working on. As a result, for the next few months, Mark will be directing Katie's work on this project



- Is the relationship covered by the policy?
- If so, should CON take steps to manage relationship?
- What are those steps?



Scenario 10: Katie & Mark

- The relationship is covered by the policy because assigning work is an employment decision
- Katie cannot be supervised by Mark so decisions must be made about how to remove the conflict





Scenario 11: Frank & Jamal

Liz and Frank are colleagues at DBI who have become close friends over the years. Frank confides to Liz that he started dating Jamal, the manager in his unit. Jamal is Frank's indirect supervisor, which means they are required to report their relationship to the HR representative. Liz is concerned that Jamal will favor Frank in an upcoming promotional opportunity, so she tells her HR representative, Kevin, about the relationship. When Kevin asks Frank and Jamal about the relationship, they both deny it



- What should Kevin do?



Scenario 11: Frank & Jamal

- Kevin should discuss the policy with Frank and Jamal
- Give them a copy of the policy and have them sign a form/document certifying they've read and understand it
- Kevin should document all information/discussions he's had about this matter, including those with Liz





Scenario 12: Sandy & Rick

Sandy and Rick are married and both work at the Library. Even though there is currently no supervision, both Sandy and Rick have reported their relationship to the HR rep and it has been documented. Now Sandy applies for an open position that supervises Rick



- Could the department decide not to hire Sandy because the open position supervises Rick?



Scenario 12: Sandy & Rick

- Yes, this is a legitimate, non-discriminatory reason for not selecting Sandy because:
 - Supervising Rick would violate the policy and
 - Create potential legal exposure for the City
- Be very clear Sandy was not selected because of the policy, which aims to prevent nepotism & favoritism





Scenario 12: Sandy & Rick

- Dos:
 - Be sure the policy is applied consistently
 - Be sure no discrimination is involved
- Don't:
 - Use the policy as guise to cover up a different reason for not hiring Sandy



Scenario 12: Sandy & Rick

- Do respond this way:
 - We could not consider you because if appointed you would directly supervise your husband. Direct supervision of one's spouse violates the City's personal relationships policy, which aims to prevent nepotism and favoritism at work
- Don't respond this way:
 - We couldn't consider you because you're married
 - If you and Rick weren't married we'd interview you
 - Too bad you're married to Rick—if not, I'd hire you
 - Maybe you should divorce Rick so I can hire you

END