

Representative Bruce R. Cutler proposes the following substitute bill:

NEPOTISM AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bruce R. Cutler

Senate Sponsor: Jani Iwamoto

LONG TITLE

General Description:

This bill amends provisions prohibiting a public officer from employing a relative.

Highlighted Provisions:

This bill:

- ▶ amends the definition of "relative";
- ▶ revises nepotism provisions; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

52-3-1, as last amended by Laws of Utah 2010, Chapter 324

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **52-3-1** is amended to read:

52-3-1. Employment of relatives prohibited -- Exceptions.



26 (1) For purposes of this section:

27 (a) "Appointee" means an employee whose salary, wages, pay, or compensation is paid
28 from public funds.

29 (b) "Chief administrative officer" means the person who has ultimate responsibility for
30 the operation of the department or agency of the state or a political subdivision.

31 (c) "Public officer" means a person who holds a position that is compensated by public
32 funds.

33 (d) "Relative" means [~~a father, mother, husband, wife, son, daughter, sister, brother,~~
34 ~~uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,~~
35 ~~sister-in-law, son-in-law, or daughter-in-law.~~] a person who, in relation to a public officer or an
36 appointee as the case may be:

37 (i) is or was a spouse;

38 (ii) is or was living as if a spouse;

39 (iii) is related by blood within three degrees of consanguinity or by marriage;

40 (iv) has or had one or more children in common with the public officer or appointee;

41 (v) is the biological parent of the public officer's or appointee's unborn child; or

42 (vi) is in an intimate relationship with the public officer or appointee.

43 (2) (a) No public officer may employ, appoint, or vote for or recommend the
44 appointment of a relative in or to any position or employment, when the salary, wages, pay, or
45 compensation of the appointee will be paid from public funds and the appointee will be directly
46 supervised by a relative, except as follows:

47 (i) the appointee is eligible or qualified to be employed by a department or agency of
48 the state or a political subdivision of the state as a result of his compliance with civil service
49 laws or regulations, or merit system laws or regulations;

50 (ii) the appointee will be compensated from funds designated for vocational training;

51 (iii) the appointee will be employed for a period of 12 weeks or less;

52 (iv) the appointee is a volunteer as defined by the employing entity; or

53 (v) the appointee is the only person available, qualified, or eligible for the position[;

54 or].

55 [~~(vi) the chief administrative officer determines that the public officer is the only~~
56 ~~person available or best qualified to perform supervisory functions for the appointee.]~~

57 (b) No public officer may directly supervise an appointee who is a relative when the
58 salary, wages, pay, or compensation of the relative will be paid from public funds, except as
59 follows:

60 (i) the relative was appointed or employed before the public officer assumed his
61 position, if the relative's appointment did not violate the provisions of this chapter in effect at
62 the time of his appointment;

63 (ii) the appointee is eligible or qualified to be employed by a department or agency of
64 the state or a political subdivision of the state as a result of his compliance with civil service
65 laws or regulations, or merit system laws or regulations;

66 (iii) the appointee will be compensated from funds designated for vocational training;

67 (iv) the appointee will be employed for a period of 12 weeks or less;

68 (v) the appointee is a volunteer as defined by the employing entity;

69 (vi) the appointee is the only person available, qualified, or eligible for the position; or

70 (vii) the chief administrative officer determines that the public officer is the only
71 person available or best qualified to perform supervisory functions for the appointee.

72 (c) When a public officer supervises a relative under Subsection (2)(b):

73 (i) the public officer shall make a complete written disclosure of the relationship to the
74 chief administrative officer of the agency or institution; and

75 (ii) the public officer who exercises authority over a relative may not evaluate the
76 relative's job performance or recommend salary increases for the relative.

77 (3) No appointee may accept or retain employment if he is paid from public funds, and
78 he is under the direct supervision of a relative, except as follows:

79 (a) the relative was appointed or employed before the public officer assumed his
80 position, if the relative's appointment did not violate the provisions of this chapter in effect at
81 the time of his appointment;

82 (b) the appointee was or is eligible or qualified to be employed by a department or
83 agency of the state or a political subdivision of the state as a result of his compliance with civil
84 service laws or regulations, or merit system laws or regulations;

85 (c) the appointee is the only person available, qualified, or eligible for the position;

86 (d) the appointee is compensated from funds designated for vocational training;

87 (e) the appointee is employed for a period of 12 weeks or less;

88 (f) the appointee is a volunteer as defined by the employing entity; or

89 (g) the chief administrative officer has determined that the appointee's relative is the

90 only person available or qualified to supervise the appointee.