

Effective 11/6/2025

52-3-1 Employment of relatives and household members prohibited -- Exceptions.

(1) As used in this chapter:

- (a) "Appointee" means an employee whose salary, wages, pay, or compensation is paid from public funds.
- (b) "Chief administrative officer" means the person who has ultimate responsibility for the operation of the department or agency of the state or a political subdivision.
- (c) "Household member" means a person who resides in the same residence as the public officer.
- (d) "Public officer" means a person who holds a position that is compensated by public funds.
- (e) "Relative" means a father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

(2)

- (a) A public officer may not employ, appoint, or vote for or recommend the appointment of an appointee when the appointee will be directly supervised by a relative or household member, unless:
 - (i) the appointee is eligible or qualified to be employed by a department or agency of the state or a political subdivision of the state as a result of the appointee's compliance with civil service or merit system laws or regulations;
 - (ii) the appointee will be compensated from funds designated for vocational training;
 - (iii) the appointee will be employed for a period of 12 weeks or less;
 - (iv) the appointee is a volunteer as defined by the employing entity; or
 - (v) the chief administrative officer determines that the appointee is the only or best person available, qualified, or eligible for the position.
- (b) A public officer may not directly supervise an appointee who is a relative or household member of the public officer, unless:
 - (i) the appointee was appointed or employed before the public officer assumed the public officer's supervisory position, if the appointee's appointment did not violate the provisions of this chapter in effect at the time of the appointee's appointment;
 - (ii) the appointee is eligible or qualified to be employed by a department or agency of the state or a political subdivision of the state as a result of the appointee's compliance with civil service or merit system laws or regulations;
 - (iii) the appointee will be compensated from funds designated for vocational training;
 - (iv) the appointee will be employed for a period of 12 weeks or less;
 - (v) the appointee is a volunteer as defined by the employing entity;
 - (vi) the appointee is the only person available, qualified, or eligible for the position; or
 - (vii) the chief administrative officer determines that the public officer is the only individual available or best qualified to perform supervisory functions for the appointee.
- (c) When a public officer supervises a relative or household member under Subsection (2)(b):
 - (i) the public officer shall immediately submit a complete written disclosure of the public officer's relationship with the relative or household member:
 - (A) for a public officer subject to the requirements of Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act, in the same manner the public officer is required to make a disclosure under Section 67-16-7;
 - (B) for a public officer subject to the requirements of Title 17, Chapter 70, Part 5, Disclosure Duties Applicable to All County Officers, in the same manner the public officer is required to make a disclosure under Section 17-70-505; and

- (C) for a public officer subject to the requirements of Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act, in the same manner the public officer is required to make a disclosure under Section 10-3-1306; and
- (ii) the public officer may not evaluate the job performance of or recommend salary increases for the relative or household member.
- (d) A disclosure submitted under this Subsection (2) is public, and the person or entity with which the public officer files the disclosure shall make the disclosure available for public inspection.
- (3) An appointee may not accept or retain employment if accepting or retaining employment will place the appointee under the direct supervision of a relative or household member unless:
 - (a) the relative or household member was appointed or employed before the appointee assumed the appointee's position, if the appointment of the relative or household member did not violate the provisions of this chapter in effect at the time of the appointment;
 - (b) the appointee was or is eligible or qualified to be employed by a department or agency of the state or a political subdivision of the state as a result of the appointee's compliance with civil service or merit system laws or regulations;
 - (c) the appointee is the only person available, qualified, or eligible for the position;
 - (d) the appointee is employed for a period of 12 weeks or less;
 - (e) the appointee is a volunteer as defined by the employing entity; or
 - (f) the chief administrative officer determines that the appointee's relative or household member is the only individual available or qualified to supervise the appointee.

Amended by Chapter 16, 2025 Special Session 1