

TITLE: NEPOTISM

EFFECTIVE DATE: July 1, 2003

LAST REVISION: October 26, 2007

Policy No. 6.011.1

Policy Statement

Sowela Technical Community College adopts the following policy of the LCTCS:

The Louisiana Community and Technical College System (LCTCS), its staff and colleges shall be in full compliance with the Code of Government Ethics on nepotism found in Louisiana Revised Statutes 42:1119. The Board may authorize and must approve employment of persons from the same economic unit or the same immediate family when allowed by law. Definitions as found in the Code of Government Ethics in Louisiana Revised Statutes 42:1102, or as interpreted by the Louisiana Board of Ethics, shall be used by the Board. No interpretation of this section shall at any time conflict with the Code of Government of Ethics or any other related statute.

State Law §1119. Nepotism

A. No member of the immediate family of an agency head shall be employed in his agency.

B.(1) No member of the immediate family of a member of a governing authority or the chief executive of a governmental entity shall be employed by the governmental entity.

(2) Notwithstanding the provisions of Paragraph B(1):

(a)(i) Any local school board may employ any member of the immediate family of any board member or of the superintendent as a classroom teacher provided that such family member is certified to teach. Any school board member or superintendent whose immediate family member is employed by the school board shall recuse himself from any decision involving the promotion or assignment of teaching location of such employee.

(ii) In addition, within thirty days after the beginning of each school year, any school board member or superintendent whose immediate family member is employed by the school board shall file a disclosure statement with the Board of Ethics stating the facts of such employment. Any person who fails to timely file a disclosure statement under this Item may be assessed a late fee of fifty dollars per day, not to exceed one thousand five hundred dollars, subject to the provisions of R.S. 42:1157.2.

(b)(i) Any hospital service district with a population of one hundred thousand persons or less as of the most recent federal decennial census or hospital public trust authority located in such a district may employ a licensed physician or registered nurse who is a member of the immediate family of any district board or authority member or of the chief executive of the district or authority as a health care provider. The chief executive and any member of a board of a hospital service district or hospital public trust authority which employs such physician or registered

nurse shall recuse himself from any decision involving the promotion, discipline, discharge, or assignment of any such employee who is a member of his immediate family.

(ii) In addition, no later than January thirtieth of each year, any chief executive and any member of a board of a hospital service district or hospital public trust authority whose immediate family member is employed by the hospital service district or hospital public trust authority shall file a disclosure statement with the Board of Ethics stating the facts of such employment. Any person who fails to timely file a disclosure statement under this Item may be assessed a late fee of fifty dollars per day, not to exceed one thousand five hundred dollars, subject to the provisions of

R.S. 42:1157.2.

C.(1) Any person serving in public employment on the effective date of this Section, whose employment is in violation of this Section, may continue in such employment and the provisions of this Section shall not be construed to hinder, alter, or in any way affect normal promotional advancements in public employment for such employee.

(2) The provisions of this Section shall not prohibit the continued employment of any public employee nor shall it be construed to hinder, alter, or in any way affect normal promotional advancements for such public employee where a member of public employees' immediate family becomes the agency head of such public employee's agency, provided that such public employee has been employed in the agency for a period of at least one year prior to the member of the public employee's immediate family becoming the agency head.

(3) The provisions of the Section shall not apply to pilots appointed by the governor pursuant to R.S. 34:943, 34:992, 34:1043, and 34:1072.

(4) The provisions of this Section shall not apply to the hiring of immediate family members of members of a governing authority of a municipality with less than two thousand population and which owns an electrical or gas distribution system. Any member of the governing authority which employs an immediate family member shall recuse himself from any decision involving the promotion, discipline, discharge, or assignment of work of his immediate family member. However, the provisions of this Paragraph shall only apply when, after proper advertisement, there is no other resident of the municipality who is qualified and has applied for the position of employment.

D. A willful violation of this Section shall subject the agency head, member of the governing authority, or chief executive, as the case may be, the public employee having authority to hire and fire the employee, the immediate supervisor of the employee, and such employee, to disciplinary action and penalties provided by this Chapter.

Acts 1979, No. 443, § 1, eff. April 1, 1980. Amended by Acts 1982, No. 640, § 1; Acts 1992, No. 598, § 1; Acts 1995, No. 196, § 1, eff. June 14, 1995; Acts 1997, No. 329, § 1; Acts 1997, No. 342, § 1, eff. June 20, 1997; Acts 1999, No. 1349, § 2, eff. July 12, 1999.

Source of Policy: HR
Related Policy: LCTCS

Responsible Administrator: Human Resources
LCTCS Policy Reference: 6.009
LCTCS Guideline Reference: NA

Approved by: _____
Chancellor

Date: _____