

## MONTPELIER POLICE DEPARTMENT

<b>NEPOTISM, FRATERNIZATION, RUMOR AND GOSSIP</b>	Related Policies: City of Montpelier Personnel Plan, City of Montpelier Sexual Harassment Policy, Rules and Regulations, Sexual Misconduct, Ethics
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this agency for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable State Statutes:	
CALEA Standard:	
Date Implemented: October 20, 2021	Review Date: October 20, 2022

- I. **Purpose:** The purpose for this directive is to establish departmental policy on personal relationships between Montpelier Police Department (MPD) employees that give rise to an actual or perceived potential conflict of interest with professional responsibilities and/or which create the potential for an adverse impact on agency operations, safety, efficiency, and morale.

As an organization that is heavily dependent upon its human resources, MPD has a vital interest in the maintenance of harmonious, efficient, and productive working relationships between its employees. Personal relationships that cause unrest, lend themselves to the perception of favoritism, adversely affect morale, or otherwise disrupt the good working order of MPD are undesirable.

This policy is not intended to limit personal or interpersonal relationships with co-workers or City employees, it is meant to address adverse work behavior such as continuous arguments (whether in person or through social media), rumors, gossip, and undue subverting of the chain of command or otherwise behavior that affects the workplace that arise because of personal or interpersonal relationships. MPD cannot afford to tolerate relationships with its members or other City personnel that cause adverse work behavior.

Managers and supervisors must heed to the fact that personal or interpersonal relationships with employees who report to them may be perceived as favoritism, misuse of authority, or potentially sexual harassment.

Any relationship that interferes with the department culture of teamwork, and/or a harmonious work environment or the productivity of employees will be addressed using progressive discipline up to and including termination.

## II. Definitions:

- A. Approval Authority:** An employee who has direct influence or decision authority for a specific request.
- B. Dating:** One or more social meetings between employees under circumstances reasonably intended to lead to a romantic relationship.
- C. Immediate Relatives:** Includes spouse, child, parent, sibling, grandparent, grandchildren, in-laws, and step and half relatives of the same. The definition shall also include persons related by blood or marriage residing in an employee's home and to persons who have established a relationship by other operation of law or through lifestyle accommodations being equivalent of a marriage or family relationship.
- D. Interpersonal friendship:** For purpose of this policy, an interpersonal friendship is an enduring relationship involving individuals who voluntarily interact with one another on a consistent basis, where parties routinely engage in extracurricular activities and conversations not related to work.
- E. Nepotism:** Patronage or favoritism shown on the basis of a family relationship or interpersonal relationship.
- F. Personal relationship:** For purpose of this policy, a personal relationship is a relationship involving employees who are dating, engaged in a romantic relationship or cohabitating.
- G. Subordinate:** An employee who is answerable to another employee based on their rank or job classification.
- H. Supervisor:** An employee who has authority, direct or indirect, over another employee by virtue of rank or job classification.

## III. Policy:

MPD recognizes the rights of employees to become involved in personal or interpersonal relationships with their co-workers or City employees. However, it is the policy of MPD to ensure that its employees carry out their duties with impartiality and fairness so that public and organizational confidence in our actions are maintained. Public trust, workplace safety, agency operations and department morale require that employees avoid the appearance of or actual conflict of interest between their professional responsibilities and any involvement in a romantic or sexual relationship with other department employees or City personnel. To promote efficient departmental operation, and to avoid misunderstandings, complaints of favoritism, sexual harassment and/or gender-based discrimination, and other problems of supervision, safety, agency operations, and employee morale, all employees are advised to avoid situations that give rise to an actual or perceived conflict.

It is MPD's policy to avoid the practice of or appearance of nepotism through family relations or fraternization in employment. MPD considers the following family relationships or relationships where fraternization potentially exists:

1. Where one of the parties of the relationship has the authority to appoint, remove, correct the action of, evaluate the performance of, or recommend any employment actions or conditions of employment of the other;
2. Where one of the parties of the relationship participates in a selection process where another has applied for a position; and/or;
3. Where one of the parties of the relationship is under other circumstances which would place an employee in a situation of actual or reasonably foreseeable conflict between the City's interest and their own.

Should any of the relationships afore mentioned exist, the employee shall advise their immediate supervisor and immediately withdraw from any conflicting action or processes. This notification is required to ensure the Department takes all necessary steps to ensure decision processes are in place that avoid the act or perception of favoritism.

MPD believes the most qualified candidates should be fairly selected for positions within the department, for promotions, assignment to specialized positions, and all work-related opportunities. Employees who have both interpersonal friendships and are approval authorities for candidates who apply for opportunities such as an approval to attend internal or external training or an assignment to a specialized position, must ensure that all reasonable precautions are taken to avert any undue influence in the selection process or even the appearance of impropriety in the process. Employees who find themselves in this position shall advise their immediate supervisor of the relationship. The supervisors shall then implement a selection process that could include additional layers of checks and balances such as consensus from multiple individuals in selecting a candidate(s) for the applicable role or opportunity. This notification is required to ensure the Department takes all necessary steps to ensure decision processes are in place that avoid the act or perception of favoritism.

Employees who are related to, or who are dating or otherwise engaged in a romantic relationship with a candidate for hiring selection, promotion, or an individual being considered for an assignment to a specialized position, or employees involved in interpersonal or personal relationships with individual(s) within the chain of command to include department supervisors, city, or elected officials, shall advise their immediate supervisor of the relationship and shall refrain from any conflicting actions or processes relating to the other employee. This notification is required to ensure the Department takes all necessary steps to ensure decision processes are in place that avoid the act or perception of favoritism.

Employees shall not use their position within the department or any influence deriving from a personal or interpersonal friendship with individuals in other departments (internal or external), city employees, or elected officials in attempts to influence hiring, promotion, assignment, or policy decisions/considerations within the department or the City as a whole.

While MPD encourages amicable relationships between members of management and their subordinates, or among members of the same department, it recognizes that involvement in a romantic relationship may compromise or create a perception that compromises an employee's ability to perform their job and/or may allow one of the employees to be in a position to influence any aspect of the other's employment, or a perception of such influence. Any involvement of a romantic nature between a supervisor and anyone he or she supervises, either directly or indirectly, is highly ill-advised.

Any employee in a relationship that may cause the practice or appearance of nepotism in employment shall immediately disclose the relationship to their supervisor. This notification is required to ensure the Department takes all necessary steps to ensure decision processes are in place that avoid the act or perception of favoritism. Parties in such relationships shall be assigned different working shifts by the Chief of Police or designee. Under no circumstances shall a person directly supervise a family member, or a person to whom they are involved in a dating or otherwise personal relationship unless exceptional operational needs arise.

MPD policy shall not conflict with any related City policies. MPD may implement policies in addition to those established by the City.

#### **IV. Procedure:**

##### **A. Hiring, promotion and assignment to specialized positions:**

1. Employees who are a family member of or involved in a personal relationship with a candidate for hiring selection, promotion, or assignment to specialized positions shall not be involved in the selection process.
2. Employees shall not be involved in any selection processes of another with whom they are a family member to, dating, or involved in a personal relationship with.
3. **Supervisory procedures:** An employee shall not directly supervise an immediate relative or another employee to whom they are dating or involved in an interpersonal relationship with. It will be incumbent upon the subordinate/junior employee to select assignments which will not put them under the supervision or management of the other.
4. **Working conditions:** Immediate relatives or employees who are dating or engaged in a personal relationship shall not be assigned to the same shift or unit without specific approval of the Chief of Police subject to review by the Human Resources Manager, the Assistant City Manager, and the City Manager. Upon any approval for such working conditions, employees must be informed of supervisor expectations as they relate to the professional conduct of the involved employees.
5. MPD shall not depart from the procedures embodied in this policy for any reason other than one specifically approved by the Chief of Police and the Human Resources Manager, the Assistant City Manager, and the City Manager.

## **B. Rumors and Gossip:**

Department members shall not engage in or convey gossip detrimental to other department members, the general public, City employees, or to the Department itself.

## **C. Duty to Notify:**

1. Employees who find themselves working with an immediate relative or another person with whom they are dating or otherwise have a personal relationship with shall immediately notify a supervisor of the circumstances.
2. If a supervisor and a subordinate marry or cohabitate, the Chief of Police or designee will review the working relationship of the two employees and determine if it creates a potential conflict of interest or an adverse impact on supervision, safety, operations, or morale. The Chief of Police or designee will make reasonable efforts to transfer, reassign, or otherwise resolve the situation so that one of the employees is placed in a position where the conflict potential no longer exists. Prior to any reassignment, the department receive input from the City Attorney and the Human Resources Manager.
3. The Chief of Police or designee shall take appropriate steps to ensure that involved employees' working conditions are modified to eliminate potential conflicts of interest and adverse workplace performance problems.
4. The Chief of Police or designee shall prepare a written report regarding the situation and his/her resolutions. This report shall be transmitted to the Human Resources Manager.
5. Failure by an employee to report personal or other potentially conflicting relationships to a supervisor compromises the integrity of the Department's chain of command, disrupts the work environment, causes decline in morale, and can reduce productivity. Any failure to report relationships as required by this policy shall constitute misconduct and may subject an employee to disciplinary action up to and including termination.
6. Employees shall not circumnavigate the chain of command to undermine the authority of Department management.

## **D. Gifting within the department:**

Department personnel representing government, bear the heavy responsibility of maintaining in their own conduct the honor and integrity of all government institutions. They shall, therefore, guard against placing themselves in a position in which any person can reasonably assume that special consideration is being given. Thus, they should be firm in refusing gifts, favors or gratuities, large or small, which may, in the public mind, be interpreted as influencing their judgement in the discharge of their duties (quid pro quo).

1. Supervisors will not accept any monetary loans, money, or items of significant value from any subordinates under any circumstances. Supervisors should consider avoiding the enlistment of professional services of subordinates, whether paid or voluntary, so to avoid the perception of favoritism. If individuals find themselves in financial distress, they should reach out to resources provided by the department and the City.
2. Supervisors may not provide gifts or items to employees valued more than \$25 dollars. Any such gifts or items given to subordinates must be reported to the Deputy Chief of Police, the Chief of Police, and the Human Resources Manager.
3. If department members enlist professional services from another department member or City employee, both parties must adhere to all applicable City laws, rules, and department regulations which include, but is not limited to:
  - i. Obtaining all legal and necessary documents and permits for any construction and/or home repair or home improvement projects.
  - ii. Fair compensation for services rendered at otherwise comparable prices for services. NOTE: Department members may assist other department members in various projects of an extracurricular nature (e.g., vehicle repair, construction, etc.) on a voluntary and non-compensatory nature. However, Supervisors who enlist the aid of subordinates should be mindful of perceived potential conflict of interest with professional responsibilities.