

**RESOLUTION NO.: 2012-7 &**  
**ADDENDUM #14**  
**TO THE VIGO COUNTY**  
**EMPLOYEE AND MANAGEMENT**  
**HANDBOOK DATED OCTOBER 2007**

The County has had a Nepotism Policy since October 2007 recognizing the employment of relatives in the same department may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

The County will continue to prohibit prospective employees to work under the direct or general supervision of a relative. Furthermore, the County prohibits relatives from occupying positions in the same line of authority within the organization.

Relatives shall have the definition established in Indiana Code 36-1-20.2-8. Examples of relatives include (1) spouse, (2) parent or stepparent, (3) child or stepchild, (4) brother, sister, stepbrother, or stepsister, (5) niece or nephew, (6) aunt or uncle, (7) a daughter-in-law or son-in-law.

An adopted child of an individual is treated as a natural child of the individual. The terms “brother” and “sister” include a brother or sister by the half blood.

The County policy is to hire, promote, and transfer employees on the basis of individual merit and to avoid any hint of favoritism or discrimination in making such decisions. The employment of relatives in positions where one might have influence over the other’s status or job security is regarded as a potential violation of this policy.

When two current employees marry, it is at the discretion of the Responsible Elected Official for a special exception to be considered.

This policy shall not be retroactive and does not apply to any individual who is employed by Vigo County on July 1, 2012, and who does not have a “break of employment” as defined by Indiana Code 36-1-20.2-2 (1) & (2).

Vigo County will comply with the House Enrolled Act 1005 [HEA 1005] effective July 1, 2012. This law prohibits the following:

- Employment of relatives of elected officials (IC 36-1-20.2)
- Contracting with relatives of elected officials (IC 36-1-21)

### ***Employment of Relatives/Employment Practices***

Indiana Code 36-1-20.2 et al. establishes that individuals who are relatives may not be employed by the County in a position that results in one relative being in the direct line of supervision of the other relative, unless the individual is exempt under Indiana Code 36-1-20.2-2.

“Direct line of supervision” has the definition set forth in Indiana Code 36-1-20.2-4 and does not include the responsibilities of the executive body, legislative body, or fiscal body of a unit, who are, as provided by law, required to make decisions.

### ***Certification of Employment Practices***

Each elected officer must annually certify in writing, subject to the penalties for perjury, that the officer has not violated this statute. Each officer must submit the certification to the executive of the County not later than December 31 of each year.

### ***Contracting with Relatives/Contracting Practices***

IC 36-1-21 defines ‘Elected Official’ as (1) the executive or a member of the executive body of the County; (2) a member of the legislative body of the County; or (3) a member of the fiscal body of the County.

Indiana Code 36-1-21 establishes minimum requirements regarding contracting with the County. These requirements are the following:

The County may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with an individual who is a relative of an elected official or a business entity that is wholly or partially owned by a relative of an elected official if:

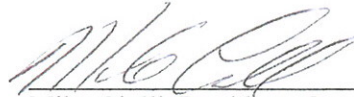
- (1) The elected official files a full disclosure with the Vigo County Auditor’s Office, which must:
  - a. be in writing
  - b. describe the contract or purchase to be made;
  - c. describe the relationship that the elected official has to the individual or business entity that contracts or purchases;
  - d. be affirmed under penalty of perjury;
  - e. be submitted to the legislative body of the County and be accepted by the legislative body in a public meeting of the County prior to final action on the contract or purchase; and
  - f. be filed, not later than 15 days after final action on the contract or purchase, with:
    - i. SBOA; and
    - ii. the clerk of the circuit court in the county where the unit takes final action on the contract or purchase;
- (2) The appropriate agency of the County;
  - a. makes a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered; or
  - b. makes a certified statement of the reasons why the vendor or contractor was selected;
- (3) The unit satisfies any other requirements under IC 5-22 or IC 36-1-12.

An elected official must also comply with the disclosure provisions of IC 35-44-1-3, if applicable and this policy does not affect the initial term of a contract in existence at the time the term of the office of the elected official begins.

***Certification of Contracting Practices***

Each elected officer must annually certify in writing, subject to the penalties for perjury, that the officer has not violated this statute. Each officer must submit the certification to the executive of the County not later than December 31 of each year.

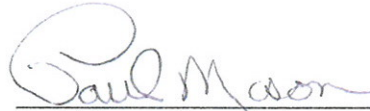
The preceding resolution is adopted this 19<sup>th</sup> day of June, 2012 and shall be added as Addendum # 14 to the Vigo County Employee and Management Handbook.



Mike Ciolli, President, Commissioner

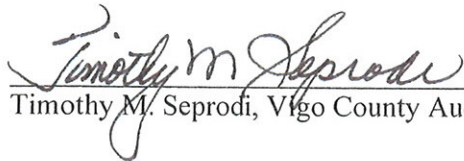


Judith A. Anderson, Commissioner



Paul Mason, Commissioner

Attest:



Timothy M. Seprodi, Vigo County Auditor