



Employee Nepotism and Fraternization	Related Policies: Code of Conduct
<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 department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Vermont Statutes/Rules:	
Date Adopted: August 23, 2021	Date Reviewed:

I. PURPOSE

The Bennington Police Department (BPD), including its employees and agents, shall carry out its duties with impartiality and fairness so that public and organizational confidence is maintained. Public trust, workplace safety, agency operations and morale require that all BPD employees avoid a conflict or the appearance of a conflict of interest between their professional responsibilities and any involvement in a Closely Related, Related, or Intimate Relationship with other employees. To promote efficient operation of the BPD in accordance with its stated purposes, all employees shall avoid situations that give rise to an actual or perceived conflicts.

II. VALUES:

- Avoiding conflicts of interest
- Advancement based on merit
- Providing equal employment opportunities
- Encouraging and promoting harmonious working relationships
- Creating a positive working environment
- Maintaining a safe work environment
- Protecting the safety of Officers in the field
- Fairness

- Fair hiring and disciplinary practices

III. POLICY

A. Nepotism

The BPD shall not hire any person(s) fitting the definition of "Closely Related Individuals" without consideration and approval by the Town Manager after consultation with the Select Board.

The Chief of Police shall obtain from persons applying for positions within the BPD disclosure of any relationships with current employees that fall within the definitions laid out within this policy, to the extent permitted by law.

B. Fraternization

In the event that a BPD employee becomes involved in an Intimate Relationship with another employee, each employee has a duty to notify the Chief of Police as soon as possible. Supervisors shall not supervise a subordinate with whom they have an Intimate Relationship.

IV. DEFINITIONS:

A. **Closely Related Individuals:** A relationship resulting from family ancestry or marriage. For this policy this includes spouse, parent (including adopted, foster, step, and in-law); children (including adoptive foster, or step); brother or sister; living in the same household as the employee or another individual related by blood or marriage in the same household as a BPD employee. Closely Related Individuals include domestic partners, Civil Union partners and persons living in a committed relationship.

B. **Related Individuals:** Grandparent or grandchild; aunt or uncle; niece or nephew; cousin or any other relative in the community.

C. **Personal Relationship:** See **Intimate Relationship**.

D. **Supervisor:** An employee who has authority, direct or indirect, over another employee by virtue of their rank, seniority, or job classification.

E. **Subordinate:** An employee who is answerable to another employee based on their rank, seniority, or job classification.

F. **Intimate Relationship:** A relationship in which individuals share interdependently, in a manner that is distinct from the general population, and/or share responsibility for the

rights and responsibilities of a familiar relationship, including (without limitation) physical occupancy of a shared residential space.

This policy is adopted by the Select Board of the Town of Bennington, Vermont, this day _____ of _____, 2021 and is effective until amended or repealed

Jeannie Jenkins, Chairperson

V. PROCEDURE

A. Hiring, promotion and assignment to specialized positions:

- a. Employees who are related to 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. The Bennington Police Department shall not depart from the procedures embodied in the Town of Bennington's personnel policy or the Working Agreement for any reason other than one specifically approved by the Chief of Police and/or Town Manager.
- b. Should an employee related to or involved in a personal relationship be required to participate in any of these selection processes due to an absence of available alternatives, the final selection decision is subject to approval of the Chief of Police and/or Town Manager.
- c. **Supervisory procedures:** An employee generally shall not directly supervise a relative or another employee where a personal relationship exists. It will be incumbent upon the subordinate to select assignments which will not put them under the supervision or management of a relative or someone with whom they have a personal relationship.
- d. **Working conditions:** Relatives or employees who are engaged in a personal relationship shall not be assigned to the same shift or unit without specific approval of the Chief of Police.
- e. **Duty to notify:**
 - i. In the event that a Bennington Police Department employee becomes involved in a personal relationship with another Department employee, they shall notify the Chief of Police as soon as possible. Employees who find themselves working in

close proximity to a relative or another employee with whom they have a personal relationship shall notify the Chief of Police of the circumstances.

- ii. If a supervisor and a subordinate marry or cohabit, the Chief of Police 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 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 Bennington Police Department will receive input from the involved employees.
- iii. The Chief of Police shall take appropriate steps to ensure that involved employees' working conditions are modified to eliminate potential conflicts of interest and adverse workplace performance problems.
- iv. The Chief of Police shall prepare a written report regarding the situation and their resolutions. This report shall be transmitted to the Town Manager and the Human Resources and Contracts Administrator.
- v. Failure by an employee to report personal relationships to the Chief of Police 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.

The policies and procedures outlined above are hereby adopted by the Chief of Police of the Town of Bennington, Vermont this _____ day of _____, 2021 and is effective as of this date until amended or repealed.

Paul J. Doucette, Chief of Police