

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 25 -2012

AN ORDINANCE ESTABLISHING POLICY PROHIBITING NEPOTISM

WHEREAS, this Board of Commissioners of Clark County, Indiana (this "Board"), is the executive body of Clark County government pursuant to the provisions of IND. CODE § 36-2-2-2, and also the legislative body of Clark County government pursuant to the provisions of IND. CODE § 36-1-2-9; and,

WHEREAS, IND. CODE § 36-1-20.2, as added by P.L. 135-2012, SECTION 7, with an effective date of July 1, 2012, requires this Board to establish a policy concerning nepotism on behalf of Clark County government; and,

WHEREAS, this Board believes it is in the best interests of the citizens of Clark County to establish a policy that prohibits nepotism among its workforce, and now adopts this Ordinance for such purpose.

NOW THEREFORE BE IT ORDAINED by this Board of Commissioners of Clark County, Indiana, as follows:

Section 1. Definitions.

The following definitions shall apply in the interpretation and the enforcement of this Ordinance:

A. "Employed" means an individual who is employed by the County on a full time, part time, temporary, intermittent or hourly basis. The term does not include an individual who holds only an elected office. The term includes an individual who is a party to an employment contract with the County. The performance of the duties of a precinct election officer (as defined in IC 3-5-2-40.1) that are imposed by IC 3 is not considered employment by the County.

B. "Direct line of supervision" means an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement or performance evaluation. The term does not include the responsibilities of the County Council or Board of County Commissioners to make decisions regarding salary ordinances, budgets or personnel policies of the County.

- C. "Relative" means any of the following:
1. Spouse;
 2. Parent or step parent;
 3. A child or step child;
 4. Brother, sister, step brother or step sister;
 5. A niece or nephew;
 6. An aunt or uncle; or
 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" shall include a brother or sister by half blood (a common parent).

Section 2. Nepotism Prohibited.

Individuals who are relatives shall 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.

An individual shall not be promoted to a position if the new position would cause their relative to be in the direct line of supervision of that individual.

Individuals who are employed by the County on the date the individual's relative begins serving a term of an elected office in the County and the individual is in the direct line of supervision of the newly elected official are prohibited from remaining in that position,

An individual who is a spouse of the County Sheriff may not be employed by the County as prison matron for the County under IC 36-8-10-5.

An individual who served as County Coroner, is currently ineligible to serve due to term limits under Article 6 Section 2(b) of the Constitution of the State of Indiana, has receive certification under IC 36-2-14-22.3, and whose successor in the office of County Coroner is a relative may not be employed by County in the office of the Coroner.

Section 3. Exceptions to Prohibition Against Nepotism.

This Ordinance does not abrogate or affect an employment contract with the County that an individual is a party to and is in effect on the date the individual's relative begins service a term of an elected office of the County.

This Ordinance does not apply to individuals who are employed by the County on the date the individual's relative begins serving a term of an elected office in the County and the individual is in the direct line of supervision of the newly elected official.

This Ordinance does not apply to a spouse of the County Sheriff employed by the County as prison matron for the County under IC 36-8-10-5.

This Ordinance does not apply to an individual who served as County Coroner, is currently ineligible to serve due to term limits under Article 6 Section 2(b) of the Constitution of the State of Indiana, has received certification under IC 36-2-14-22.3, and whose successor in the office of County Coroner is a relative.

Section 4. Impact of Ordinance of Those Individuals Employed by Clark County on July 1, 2012.

An individual who is employed by the County on July 1, 2012, is not subject to this Ordinance unless the individual has a break in employment with the County. The following are not considered a break in employment with the County:

1. The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation.
2. The individual's employment with the unit is terminated following by immediate reemployment by the unit, without loss of payroll time.

Commencing on July 1, 2012, and continuing thereafter, any newly hired employee of any board, commission, or political subdivision of Clark County Government shall be required to execute the verification form attached hereto as Exhibit "A".

Section 5. Certification by Elected Officers of the County.

Each elected officer of the County shall annually certify in writing, in the form attached hereto as Exhibit "B", and subject to the penalties for perjury, that the officer has not violated the requirements of IND. CODE § 36-1-20.2 as adopted by this Ordinance. An elected officer shall submit the certification to the Board of Clark County Commissioners not later than December 31 of each year.

Section 6. Effective Date of Ordinance.

This Ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Board.

[The remainder of this page intentionally left blank. Signature page follows.]

So Ordained this 7th day of June, 2012.

Members voting "NO":

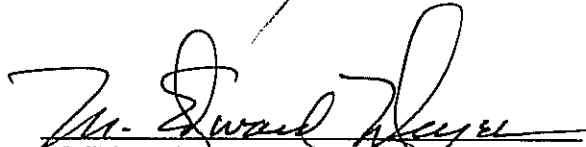
Members voting "YES":

Les Young, President



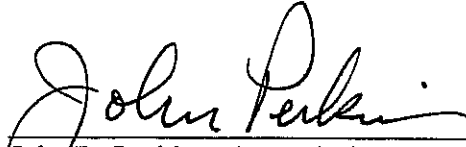
Les Young, President

M. Edward Meyer, Commissioner



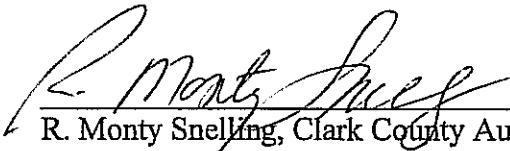
M. Edward Meyer, Commissioner

John D. Perkins, Commissioner



John D. Perkins, Commissioner

Attested by:



R. Monty Snelling, Clark County Auditor

**VERIFICATION OF APPLICANT FOR EMPLOYMENT FOR COMPLIANCE
WITH THE ANTI-NEPOTISM POLICY OF CLARK COUNTY GOVERNMENT**

I, _____ (printed name), have reviewed the direct line of supervision for the position of _____ (the "Position") with Clark County government. I hereby represent and warrant that I am not a "Relative" of any employee who will be in my direct line of supervision in the Position. I understand that the term "Relative" means my spouse, parent or stepparent, child or stepchild, brother, sister, stepbrother, stepsister, niece, nephew, aunt, uncle, daughter-in-law or son-in-law (including half-bloods and adopted children).

I hereby verify under the penalty of perjury that the foregoing statements are true.

Dated this ____ day of _____, 2012.

(Signature)

(Printed name)

EXHIBIT
"A"

ANNUAL CERTIFICATION OF ELECTED OFFICIAL TO THE BOARD OF CLARK COUNTY COMMISSIONERS AS THE EXECUTIVE OF CLARK COUNTY GOVERNMENT REGARDING COMPLIANCE WITH THE NEPOTISM POLICY OF CLARK COUNTY GOVERNMENT INVOLVING DIRECT LINE SUPERVISION.

I, _____ (*printed name*), the duly elected and serving _____ (*insert office*) of Clark County, Indiana, hereby certify that I have not violated the Clark County Government Nepotism Policy in the hiring and supervision of my Relatives in their employment with Clark County Government, and contrary to the requirements of IND. CODE § 36-1-20.2, as amended or supplemented, and as further described in Ordinance No. _____-2012. I understand that the term "Relative" means my spouse, parent or stepparent, child or stepchild, brother, sister, stepbrother, stepsister, niece, nephew, aunt, uncle, daughter-in-law or son-in-law (including half-bloods and adopted children). I intend for this to be submitted to the Board of Clark County Commissioners as the executive branch of Clark County Government prior to the end of this calendar year.

I hereby verify under the penalty of perjury that the foregoing statements are true.

Dated this _____ day of _____, 20__.

Signature of Elected Official

EXHIBIT
"B"
