

2020-01

RESOLUTION OF THE PENN TOWNSHIP BOARD,
ST. JOSEPH COUNTY, INDIANA

WHEREAS, the Indiana General Assembly adopted HEA 1005 in the 2012 Regular Session, which added IC 36-1-20.2 to the Indiana Code regarding Nepotism; and,

WHEREAS, IC 36-1-20.2-9(a) requires a local unit of government to adopt a nepotism policy that includes at a minimum the requirements set out in the statute; and,

WHEREAS, the Township Board has considered the requirements of the Act and wishes to comply with its provisions:

NOW THEREFORE, BE IT RESOLVED that the Township Board adopts the following policy on nepotism in employment:

NEPOTISM IN EMPLOYMENT

Section 1. DEFINITIONS

A. "Relative" means any of the following:

- (1) A spouse.
- (2) A parent or stepparent.
- (3) A child or stepchild, including an adopted child or stepchild.
- (4) A brother, sister, stepbrother, or stepsister, including a brother or sister by half blood.
- (5) A niece or nephew.
- (6) An aunt or uncle.
- (7) A daughter-in-law or son-in-law.

B. "Employed" means an individual who is employed by the Township 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 Township.

C. "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 executive, legislative body, or fiscal body of the Township, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the township.

D. "Member of the fire department" means the fire chief or a firefighter appointed to the department.

Section 2 EMPLOYMENT POLICY

A. Individuals who are relatives may not be employed by the Township in a position that results in one (1) relative being in the direct line of supervision of the other relative.

B. This Subsection (B) applies to an individual who:

(1) is employed by the Township on the date the individual's relative begins serving a term of an elected office of the Township; and

(2) is not exempt from the application under Section 3 of this Policy.

Notwithstanding, Subsection 2(A), an individual may remain employed by the Township and maintain the individual's position or rank even if the individual's employment would violate this Policy. However, an individual described in this Subsection, may not be promoted, unless such promotion is within the merit ranks of a merit fire department, if the promotion would otherwise violate this Policy.

C. This Policy does not abrogate or affect an employment contract with the Township that:

(1) an individual is a party to; and

(2) is in effect on the date the individual's relative begins serving a term of an elected office of the Township.

Section 3. EXEMPTIONS

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

(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 Township is terminated followed by immediate reemployment by the Township, without loss of payroll time.

B. For purposes of this Policy, the performance of the duties of:

(1) a precinct election officer (as defined in IC 3-5-2-40.1) that are imposed by IC 3; or

(2) a volunteer firefighter;

is not considered employment by the Township.

C. If the Township Trustee's office is located in the Township Trustee's personal residence, the Township Trustee may hire only one (1) employee who is a relative. The employee:

- (1) may be hired to work only in the Township Trustee's office;
- (2) may be in the Township Trustee's direct line of supervision; and
- (3) may not receive total salary, benefits, and compensation that exceed five thousand dollars (\$5,000) per year.

Section 4. CERTIFICATION

A. Each elected officer of the Township shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this Policy. An officer shall submit the certification to the Trustee of the Township not later than December 31 of each year.

B. The annual report filed by the Township with the State Board of Accounts under IC 5-11-13-1 must include a statement by the Trustee of the Township stating whether the Township has implemented a policy under IC 36-1-20.2.

DATED this 7 day of January, 2020.

AYE

NAY

ATTEST:

Paris Parralese
Trustee