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Nepotism: Bad Idea, Illegal Practice

What is nepotism?

Under the Ohio Ethics Law, nepotism is when a public official or employee authorizes a family member's employment or uses his/her position in any way to obtain a public job for a family member.

Such as voting for a family member's hire or finalizing the employment documentation?

Direct hiring is clearly illegal. However, the Ohio Ethics Law also prohibits public officials and employees from indirectly influencing the hiring process for a family member. Examples of such indirect – but equally illegal – influences could include recommending a family member, participating in discussions about the family member's job application, or requesting an interview or job for a family member.

Is nepotism really a problem in Ohio?

Absolutely. In fact, nepotism is the primary Ethics Law violation investigated by the Ethics Commission each year. On average, nepotism comprises almost one-third of the Ohio Ethics Commission's investigative workload.

Is nepotism a criminal matter or just bad public policy?

The Ohio Ethics Law, which includes prohibitions against nepotism, is a criminal statute. While public agencies are wise to be aware of the appearance of impropriety that accompanies nepotism, it's important to understand that, in Ohio, the crime of nepotism is a fourth degree felony.

Why does this issue matter so much?

Fair hiring practices are mandatory in government. Public agencies are required to conduct all hiring activity in a fair, open, and impartial manner. Giving precedence or advantages to family members in public hiring is unfair to other applicants who may be equally or even more qualified. Even more importantly, nepotism is unfair to the public; all Ohio citizens have the right to expect that government jobs will be awarded to the most qualified candidate – not merely to the most family-connected candidate.

If I am a public official or employee, can my family member even apply for a public job?

In general, family members of public officials and employees can legally pursue public jobs. The issue is whether or not the applicant's family member who is already in public service can be recused from any aspect of the hiring process. If a public official or employee can be removed from any discussion, review, decision-making, or any other aspect of the hiring process, his/her family member generally can be awarded the public job. In other words, it's not illegal for your family to pursue or get the government job at your agency; it's illegal if you involve yourself in any aspect of the hiring process.

It's also important to note that, should your family member legally receive the public job – without your involvement – recusal continues even after he/she is hired. For example, direct supervision, annual evaluations, or participation in discussions of promotions or raises would also be prohibited.

What if I can't recuse myself from the hiring process?

There are situations in which a public official or employee cannot be removed from the hiring discussion or decision-making. Examples could include a township that has only one employee or an agency where the director is designated as the sole hiring authority. Those situations, however, do not relieve public officials and employees from complying with the criminal law. If the public official or employee cannot recuse himself/herself, then that person's family member cannot be awarded the public job.

Who is my "family?"

For purposes of the Ohio Ethics Law, a "family member" includes the following (regardless of where they live):

- Spouse;
- Children/Step-Children (whether dependent or not);
- Siblings;
- Parents/Step-Parents;
- Grandparents; and
- Grandchildren.

"Family member" also includes any other person related by blood or by marriage (e.g. cousins, aunts, uncles, in-laws, nieces, nephews) if that person resides in the same household as the public official or public employee.

What about indirect benefits my family member could receive from my actions?

There are circumstances in which a public official may participate in matters that indirectly benefit family members. For example, a public official is not prohibited from approving a union contract where a relative is a member of the union (as long as the relative is not a union officer, board member, member of negotiating team, and the public official does not receive health care benefits from the union member). Other exceptions include matters impacting an entire class of employees or participating in general budget discussions that include a family member's compensation. For more information regarding such exceptions, please contact the Ohio Ethics Commission.

Does it matter if my child is a minor?

Yes! Your minor child cannot work for the same agency unless you can show four things:

1. The agency's hiring process will be fair and open and will not favor your children;
2. The agency will provide a broad opportunity to qualified and interested applicants to submit applications;
3. All qualified and interested applicants other than your children have already been hired; and
4. Vacancies still exist.

In other words, the only way your minor child can receive a job/internship at your public agency is if all other qualified applicants have been hired but there are still open position. Keep in mind that even if your child is able to be awarded that open position after all other qualified applicants are hired, you still may not participate – in any way – in the hiring deliberation or decision.

Can I receive additional information or details about nepotism?

Yes! On the Ohio Ethics Commission's [web site](#), you will find fact sheets, advisory opinions, and even an e-course regarding nepotism. Feel free to contact the Ohio Ethics Commission at (614) 466 – 7090 if we can assist you in any way in understanding and complying with nepotism restrictions and the entire Ohio Ethics Law.