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| File ID Number                           | 15-0281           |
| Introduction Date                        | 2-25-15 <i>aa</i> |
| Enactment Number                         | 15-0261           |
| Enactment Date                           | 2/25/15 <i>aa</i> |



**OAKLAND UNIFIED  
SCHOOL DISTRICT**

*Community Schools, Thriving Students*

# Memo

**To** Board of Education

**From** Jacqueline Minor, General Counsel

**Board Meeting Date** February 25, 2015

**Subject** Amendment to Board Policy – BP 4112.8 Employment of Relatives

**Action Requested** Approval of updates to the Oakland Unified School District Board Policy BP 4112.8 Employment of Relatives

**Background** Periodically modifications to board policies are recommended to align with changes in law or recommended best practices. The proposed modifications to the board policies reflect the District's standards for employee use of technology.

**Discussion** In order to ensure that our policies are current, it is important for us to review and update our policies. The proposed changes are based upon the California Association of Schools Board's recommended model. The modifications have been reviewed and vetted by the General Counsel.

The changes to the policy are shown on the attachment. The proposed deletions are indicated with **blue strikeouts**. The recommended additions are shown in **red**.

**Recommendation** Approval of modification to the Oakland Unified School District Board Policy 4112.8 Employment of Relatives.

**Fiscal Impact** No direct funding implications

**Attachments** Amendment to Board Policy BP 4112.8 Employment of Relatives

# OAKLAND UNIFIED SCHOOL DISTRICT

## Board Policy

BP 4112.8, ~~4212.8~~, ~~4312.8~~  
Personnel

### Employment of Relatives

The Governing Board desires to maximize staff and community confidence in district hiring, promotion, and other employment decisions by promoting practices that are free of conflicts of interest or the appearance of impropriety.

(cf. 4030 - Nondiscrimination in Employment)

~~In order to preclude situations which could bring about a conflict of interest for members of the administrative staff, an employee shall not be appointed to a position where a member of his/her immediate family maintains supervisory or evaluation responsibilities for the position.~~

~~Immediate family members may be employed at the same department or work location with the approval of the Superintendent or designee.~~

(cf. 9270 - Conflict of Interest)

The Board prohibits the appointment of any person to a position for which his/her relative maintains management, supervisory, evaluation, or promotion responsibilities and prohibits an employee from participating in any decision that singularly applies to any of his/her relatives.

(cf. 4111/4211/4311 - Recruitment and Selection)

(cf. 4115 - Evaluation/Supervision)

(cf. 4215 - Evaluation/Supervision)

(cf. 4315 - Evaluation/Supervision)

For purposes of this policy, relative includes the individual's spouse, domestic partner, parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse or domestic partner.

In addition, the Superintendent or designee may determine, on a case-by-case basis, whether to appoint a person to a position in the same department or facility as an employee with whom he/she maintains a personal relationship when that relationship has the potential to create (1) an adverse impact on supervision, safety, security, or morale of other district employees or (2) a conflict of interest for the individuals involved which is greater because of the their relationship

than it would be for another person.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

An employee shall notify his/her supervisor within 30 days of any change in his/her circumstances that may constitute a violation of this policy.

**Legal Reference:**

EDUCATION CODE

35107 School district employees

FAMILY CODE

297-297.5 Rights, protections, benefits under the law; registered domestic partners

GOVERNMENT CODE

1090-1098 Prohibitions applicable to specified officers

12940 Unlawful employment practices, ~~exceptions~~

CODE OF REGULATIONS, TITLE 2

7292.0-7292.6 Marital status discrimination, especially:

7292.5 Employee selection

Management Resources:

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Institute for Local Government: <http://www.cacities.org/index.jsp?zone=ilsg>

8/25/04; 2/25/15A (pending Board approval)



# **OAKLAND UNIFIED SCHOOL DISTRICT**

## **Board Policy**

BP 4112.8

### **Personnel**

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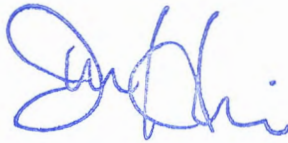
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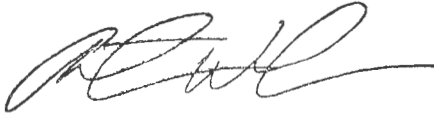
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James Harris  
President, Board of Education



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Antwan Wilson  
Secretary, Board of Education