

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG

ORDINANCE NO. 2012-007

AN ORDINANCE ESTABLISHING POLICY PROHIBITNG NEPOTISM

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 Council to establish a policy concerning nepotism on behalf of the Town of Sellersburg, Indiana government; and,

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

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana, as follows:

Section 1. Definitions.

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

- A. "Break in employment" means the termination, retirement, or resignation of an employee from the town. A break in employment does not occur due to absence from the workplace while on paid or unpaid leave, including but not limited to: vacation, personal, sick, or family medical leave, or worker's compensation. When individual's employment with the unit is terminated, followed by immediate reemployment by the unit, without a loss of payroll time.
- 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 Town Council to make decisions regarding salary ordinances, budgets or personnel policies of the Town.
- C. "Employed" means an individual who is employed by the Town 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 Town.
- D. "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 Town 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

Section 3. Exceptions to Prohibition Against Nepotism

An individual who is employed by the Town on July 1, 2012 is not subject to this nepotism policy unless the individual has a break in employment with the Town.

If an individual is employed by the Town and the individual’s relative begins serving a term of elected office, the individual may continue his employment with the Town and retain his position even if the position would be in the direct line of supervision of the individual’s relative.

An individual who is allowed to continue employment after the individual’s relative begins serving a term of an elected office and is in the direct line of supervision may not:

- i. be promoted; or
- ii. be promoted to a position that is not within the merit ranks, in the case of an individual who is a member of a merit police department or merit fire department

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

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:

- i. may be hired to work only in the township trustee’s office;
- ii. may be in the township trustee’s direct line of supervision; and
- iii. may not receive total salary, benefits, and compensation that exceeds five thousand (\$5,000) per year.

Section 4. Employees Hired After July 1, 2012.

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

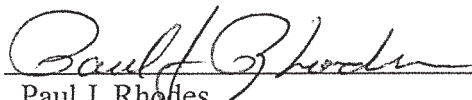
Section 5. Certification by Elected Officers of the Town of Sellersburg.

Each elected officer of the Town 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 Town Council of Sellersburg not later than December 31 of each year.


Section 6. Effective Date of Ordinance.

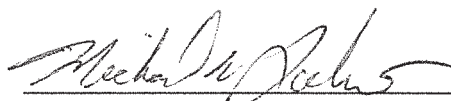
This Ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 25th day of June, 2012

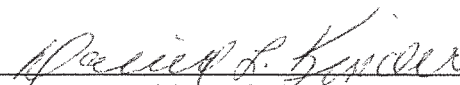

Paul J. Rhodes
Council President

ABSENT
Brian K. Meyer
Council Vice President


James H. LaMaster
2nd Vice Council President


Michael N. Lockhart
Council Member


Terry Langford
Council Member


Attest: David L. Kinder
Clerk-Treasurer