



**ANTI-NEPOTISM POLICY FREQUENTLY ASKED QUESTIONS (FAQs)- Statewide**

<b>DHR-Q #: DHR-STW-221.1-Q</b>	<b>Authority: 29 Del. C. c. 58; Merit Rule 12</b>
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The content in these Frequently Asked Questions (FAQs) applies to State of Delaware (State) Executive Branch cabinet agency employees. Other employers of State personnel may choose to adopt the [Anti-Nepotism Policy & Procedures](#) as well as the provisions in this FAQs. Non-cabinet agency personnel should contact their supervisor to determine whether their employer has adopted these provisions. Employees should direct questions or concerns to their supervisor or Human Resources representative.

**1. Do existing employees, who do not have a close relative working at the same agency, have to complete the Disclosure of Relatives form within 30 days of the policy becoming effective?**

No, only existing employees with close relatives within the same agency will need to complete and submit the form to their human resources representative.

**2. If I already completed a Disclosure of Close Relatives form and move to another position, do I need to fill out another form?**

Yes. In accordance with the policy, applicants and employees are required to disclose close relatives that are employed by the state agency in the following situations:

- where they are invited, and prior to, an interview for an agency position;
- when hired into an agency position (direct hire, transfer within State, lateral, promotion, demotion, etc.);
- if they discover that a close relative has been hired into their agency of employment; or
- if involved in any process of hiring for a vacancy at a state agency.

**3. Can the Hiring Manager stop the interview process if a candidate does not provide the completed form prior to or at the scheduled interview?**

The Hiring Manager is required to review and assure the Forms are completed prior to the interview being scheduled. That’s how the Hiring Manager will know if the Hiring Panel includes any employee who is a close relative and adjust. If a candidate does not provide the completed form prior to the interview, they cannot be considered for hire.

**4. Are employees at risk of losing their job for reporting close relatives within their agency?**

*The policy was not put in place to negatively impact employees.* The policy was put in place because the Department of Human Resources (DHR) is committed to promoting a work

environment in which hiring practices and employee supervision are free of undue influence by close relatives. Employees will complete the Disclosure form, when applicable, and will be reviewed by the Supervisor and human resources representative to determine if there are any violations to this policy. If a violation is identified, the agency must make the necessary adjustments to the reporting structure to comply with this policy.

**5. Can an employee be disciplined for not reporting close relatives?**

Employees who refuse to report close relatives will be subject to disciplinary action up to and including termination.

**6. Does the policy only require disclosure of relatives working within the same Agency/Department at which a person works or applies to work?**

Yes, disclosure includes only the agency where the employee works or the agency for which the employee candidate is applying.

**7. If employees become related (e.g., *partners* or as in-laws), can they be moved within a Department without violating merit rules or union agreements?**

The reporting structure would have to be changed so a close relative is not a direct supervisor of an employee.

**8. What does the new policy require?**

Following the effective date of the Policy:

1. A supervisor cannot directly hire or supervise a close relative.
2. Agencies can hire or promote employees who are related, but it simply cannot be a supervisor/close relative relationship.
3. If someone within an agency is promoted, he or she cannot directly report to a close relative.

The definition of a close relative is:

Close Relative – a relative is defined as a familial connection between persons by blood, marriage, adoption, and domestic partnership. It is further defined as spouse, domestic partner, parent, stepparent, child, stepchild, grandparent, grandchild, brother, sister, half-brother, half-sister, stepbrother, stepsister, aunt, uncle, niece, nephew, or cousin of an employee or applicant. In addition, it includes mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, aunt, uncle, child, or any other person for whom the applicant or employee has assumed legal guardianship and/or carried out parental responsibilities. Close relatives of the employee's domestic partner shall be included in this definition.

4. And if there is a close relative situation, there is a new requirement to disclose it by completing the new disclosure form.

**9. Does this policy apply if a state employee oversees a contractor who is a close relative?**

For possible violations involving a consultant or similar independent contractor, the DHR Representative will notify the state employee, the consultant, or similar independent contractor

of the matter and will be addressed jointly with the outside entity’s employer.

**10. Does this policy apply to paid interns?**

Yes.