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Nepotism

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ABSTRACT

Over the past few years, the Fort Worth Police Department has had a growing concern of family members joining the police department. A computer report was generated to determine how many police officers were related because the department has never kept such records. The findings showed that 156 of the 1180 sworn officers are related within the first degree of affinity or consanguinity, representing 13% of the department. This project reviews the pros and cons of family working together and whether the department needs a nepotism policy. Local, state and federal agencies were researched for nepotism policies, along with universities and the private sector. Research shows that there is no harm in the practice of relatives working together, although the research shows that employees should not supervise other family members. The recommendation is that the department enact a nepotism policy to prohibit family supervising family.

Introduction

The purpose of this project is to give the command staff of the Fort Worth Police Department enough information to make an informed decision on the subject of nepotism. Currently, there is no General Order or Directive on the subject of family members assigned to the same division within the police department. The Fort Worth Police Department has had a growing concern of family members joining the department in recent years. A computer report was created for this project to detect matching last names and/or home addresses. Using this report along with individual surveys, it was discovered that 13% of the sworn personnel of the Fort Worth Police Department are related within the first degree of affinity (marriage) and consanguinity (blood). There are 1188 sworn police officers on the department, and 156 of those are immediate family members (Taylor, 1996). For this project, we will consider a "family member" as belonging to the immediate family unit such as the spouse, parent, child or sibling.

There are several possible reasons why family members are choosing the police profession as a career. First, being a police officer is more a profession than in years past. Second, a police career is now considered more stable than in the past. Other possible causes are pay scale, benefits, advancement, women being more numerous in the workforce, and many more. The focus of this research is on the issues of family members working together in the same division and not necessarily in the same department. Due to its size and decentralization, the Fort Worth Police Department

has sufficient administrative flexibility to transfer related employees to other divisions and functions, thereby avoiding any potential nepotism problems.

This research explores questions such as: Does the practice of family members working together affect the department as a whole? Can work production be improved through the practice of family members working side by side?

The intended outcome of this project is to explore the need for a policy on this subject. Interestingly, little information has been written on this subject in police journals. Therefore, the sources of information are from business journals, university studies, books, interviews and the Internet. This research does not address the separate issues of same sex marriages or non-married household members.

Historical, Legal or Theoretical Context

The Fort Worth Police Department has had a growing concern over the years of family members joining the police department. The issue brings a new set of problems to the department such as family members supervising family members. The department has no nepotism policy in place at this time. The department has had few problems with family members working together in the same division and on the same shift, but we do not know what the future holds in this area. For the most part, the practice of family members working closely together has not been detrimental to the department.

In this lawsuit-crazed environment, it is to our advantage as managers to proactively create a nepotism policy. A rise in family ties in the department should be addressed with policy before legal complaints force the issue. For example, the Texas Supreme Court affirmed a jury's award of \$600,000 to an employee terminated for violating an employer's nepotism policy, which had not been enforced during seventeen years of the plaintiff's employment. Hortencia Portilla worked for Goodyear Tire and Rubber Co. at its Port Lavaca store since 1965. Her brother was transferred to the same store in 1969 as the manager. Portilla continued to work under her brother's supervision for seventeen years. In 1987, Portilla was told to transfer or be fired. Unable to transfer because of her husband's job, Portilla was terminated after twenty-two years of employment. A jury awarded Portilla \$600,000 in damages (Goodyear Tire and Rubber v. Portilla). Today it is common to find nepotism policies that prohibit the employment of relatives or at least restrict such employment to avoid situations where one relative is supervising another. However, even nepotism policies that appear to be gender neutral can run afoul of the law if not carefully applied. Bless Stritar Young suggests, to minimize the possibility of legal ramifications, employers making nepotism policies should:

- ◆ Put it in writing.
- ◆ Justify the policy.
- ◆ Provide sanctions for violations.
- ◆ Provide an enforcement mechanism (Young, 2, 1995).

Young suggests that if your aim is to prevent claims of favoritism, sexual harassment or conflict of interest, say so in the policy. Or consider limiting the policy to those

situations where relatives or spouses would be in a supervisor - subordinate relationship (Young, 1, 1995).

Ninety percent of all businesses in North America are family businesses, and one-third' of all companies listed in the Fortune 500 are family owned (Lansberg, 1983). Family corporations are different from and more complicated than the "normal" professional business because they are both a business entity and an extension of the family (Roman, 1996). If family members can be so successful in these business ventures, why can't the public sector be just as successful? When discussing the idea of family members working together, we must consider the following questions:

- ◆ Does the practice of family members working together have any adverse effects on the department?
- ◆ Can work production be affected through the practice of family members working together?
- ◆ Why is there an increase of family members joining the department, and is the department ready for any negative impact that this practice may cause?

We also have to consider the pros and cons on the issue of nepotism, especially when dealing with spouses, whether within the same division or not:

PROS

- ◆ Caring for children when spouses work different shifts is easier.
- ◆ When spouses work different divisions, it is easier to take off and not cause any undue hardships on anyone division.
- ◆ They can draw from each other's experiences (free advice).
- ◆ They can provide synergy to each other and become valuable assets to the department.
- ◆ They may have creative way of handling their work and resolve problems in innovative ways.

CONS

- ◆ Problems at home can spill over into the work environment and affect the workplace.
- ◆ When employees face demands of family and workplace, the organization usually suffers in terms of:
 - (a). Lost time at work primarily because of child care responsibilities.
 - (b). Turnover of personnel - sometimes due to family members inability to cope with unrelenting family and work demands. (Sekaran, 1986).

The composition of the work force in America has changed radically during the past decade. According to the Conference Board (1985), today more than two-fifths of the work force - forty-seven million persons - is composed of spouses in working households; fewer than twelve million married men provide sole support for their families; and compared to 1970, there are now five million more single-parent and other "noncouple" families (Sekaran, 1986). These are just a few reasons I believe we are seeing a trend of family members joining the department. In conjunction with these statistics; if we consider the police force being more a profession for career-minded individuals with the advantages of pay increases over the years, job stability, benefits, and retirement, we can understand the larger picture of how we are attracting our recruits.

Review of Literature or Practice

In 1980, the Florida House Corrections Probation and Parole Committee Ad Hoc Subcommittee on Management Oversight conducted a study on the adverse conditions in Florida correctional institutions. Among other problems, the committee found that "nepotism and favoritism are the major problems of the Florida Department of

Corrections." Their existence and source can easily be reduced to a case of simple mismanagement by top and middle management administrators. An inordinate number of prison employees are not only neighbors and friends but also relatives within the third line of consanguinity, a clear violation of Florida statutes. The committee recommended that the practice of hiring relatives should be erased from the personnel practices of the department (Criminal Justice Abs. 1995).

In 1989, Ohio State University conducted a study on the hiring practices of universities concerning women. The study found that universities tend to avoid hiring spouses, especially in the same department. The reasoning behind this is possibly due to the fact that when the couple moves, the university loses two faculty members (Kauffman, 1990).

Sekaren (1986) in her book "Dual-Career Couples and the Organization" states that many of the couples she interviewed said that one of the joys they experienced in belonging to a dual-career family was the opportunity to jointly work through the problems they individually faced in the work setting. They said they brainstormed, played the devil's advocate, and sometimes role-played to resolve problems encountered in the work setting.

Most of the departmental policies reviewed had some type of nepotism policy ranging from very broad to narrow in scope. Some cities, such as Texarkana, Texas rely on a

blanket city policy on nepotism for all departments. Texarkana's policy on nepotism states "that two or more members of the same immediate family shall not be employed to supervise each other or to work under the same supervisor. They may, however, be employed in different units of the same department or in different departments. . . ." (Texarkana, 1996). The city of Myrtle Beach, South Carolina also covers nepotism in the city personnel policy, which states "two or more members of an immediate family shall not be employed in the same division, or where one occupies a position which has influence over another's employment, promotion, supervision, salary administration and other related management or personnel administration." This policy was effective upon adoption and is not retroactive (Myrtle Beach, 1996). The Tennessee Board of Regents policy on nepotism states "The employment of relatives is permitted; however, no employee shall participate in the process of review, recommendation and/or decision making in any matter concerning hiring, opportunity, promotion, salary, retention, or termination of a relative as herein defined" (Tennessee B.O.R., 1987). Most of the policies reviewed specifically relate to the restricted practice of supervising family members. Most of the those policies reviewed keep the nepotism or immediate family definition at the first degree of affinity and the first degree of consanguinity.

The common theme throughout the material reviewed was consistency in enforcing the policy. In several lawsuits reviewed, the institutions had a policy in place on nepotism, but they either ignored or circumvented it. In a case from the University of Tennessee, the system was in place, which included some checks and balances, but was

circumvented by the employer (Brannock, 1995). In a story from "Just Cause Newsletter," the Supreme Court upheld the nepotism policy that was in place and enforced (Stewart, 1996). In Thomas v. Metro Flight Inc. 814 F. 2d 1506 (1987), the 10th Circuit Court of Appeals made it clear that having a "no spouse" rule could discriminate against women if it resulted in disproportionate terminations of female employees (Young, 1, 1995). In Hawaii, a husband and wife who worked in the same department won a lawsuit after both were fired when they refused transfers to different departments in accordance with their employers nepotism policy. The couple claimed discrimination on the basis of marital status, contending that if they had lived together without being married, they would not have been fired (Young, 1, 1995).

There are a number of methods you can employ to minimize the risk that your nepotism policy will be considered illegal or the target of protracted litigation. First, make sure that your policy is in writing and applied fairly and consistently across the board. Secondly, make sure it is gender-neutral; avoid all references to males and females. The policy should also contain a written justification for its being. If, for example, your aim is to prevent claims of favoritism, conflict of interest, sexual harassment, or economic inequity, state so in the policy and perhaps, instead of having a blanket nepotism policy, just restrict employees from supervising their relatives (Farber, 1996).

Discussion of Relevant Issues

Webster defines nepotism as "Patronage or Favoritism based on family relationship." The word itself is derived from the Italian word "nepotismo" (nephew) (Webster's New Dictionary, 1990). The use of public offices and contracts as rewards for party loyalty and services, also known as the spoils system, is believed to have been formed during Andrew Jackson's eight-year tenure as president when he replaced nearly 2,000 of the government's 11,000 employees with more "deserving candidates" (Rains, 1993). The laws regulating nepotism have all failed. The one and only permanent remedy for curbing such corruption is the shifting of as many decisions as possible from the political to the economic arena (Newman, 1996). We have to have checks and balances for our policies to work. We cannot leave the system open to one individual's viewpoint. This is how corruption and favoritism can slip in and ruin a department. That is why we have rules in the first place. When teaching journalism to his students, Dan Browning tells them: "The principle of writing about nepotism is simple: Everyone ought to have at least an equal shot at jobs funded with public money. When opportunities are unequal, those without political or genealogical clout get cut out of good jobs, and pensions. Often, that means minorities and women" (Browning, 1995). I am convinced that the Fort Worth Police Department needs some type of nepotism policy. What needs to be clarified is where we draw the line and what type of policy we need.

When deciding what type of nepotism policy should be developed, there are a few

certain questions we must ask. The first of course is: Should family members be allowed to serve on the department together? The answer is yes. There is no evidence that family members serving on the same department has any adverse effects. On the contrary, if we did not allow this practice we would be doing ourselves and the community a great disservice. The litigation alone would be enough of a reason for not prohibiting the hiring of family members. We would also be discriminating against women, as pointed out in Thomas v. Metro Flight Inc. for the "no spouse" rule. During an informal oral survey of married couples on the Fort Worth Police Department, the main theme was that they use each other's experiences to draw from and to help with each other's weaknesses. It is also easier for child care because of the availability for shift assignments, and they are less likely to use sick time or vacation for care of children (Read, 1996).

The second question is: Can work production be affected through the practice of family working within the same division? I believe we can use the same arguments in the first question to address this concern. If family members wish to work in the same division, I see no evidence to justify denying this request. The department is large enough and diverse enough to allow its members to change assignments if problems arise, but if family members prefer working together, they should have that opportunity. This is where good supervision comes into play. If both work for the same supervisor, that supervisor should know their work habits and productivity. If there are any problems, they should be addressed at this level. Some couples prefer riding to work together,

some prefer to work separate shifts and/or separate days off for child care reasons.

We should accommodate these requests if they do not interfere with our commitment to the citizens of Fort Worth.

The third question is: Should family members supervise each other? This question as pointed out in the research is a definite no. Family members supervising each other can be more trouble than it is worth. I believe that the perception of favoritism is too great to justify its use. Appearance alone should cause us to consider if this practice is worthwhile.

The experiences that family members share can be a benefit to the police department.

An article about the Deen Meat company exemplifies how the old and new merged together to form a profitable and valuable partnership. George Deen founded Deen Meat company in 1946. By the mid 1980's he realized 60 percent of his business was lost to new specialty companies. Slowly, George's three sons had persuaded their dad to change, that they had to get into the specialty business: cutting, marinating, and packaging meat. The sons convinced George that the old way will not work any more. After the change over, the meat company became a major supplier in the fajita and chili markets (Pillar, 1996).

Eleven members of one family plus spouses and in-laws work for the same company, Northwestern Mutual Life, and have had members in the company for the past seventy-

five years. Some members say that it is a positive influence to watch the older generations succeed and enjoy their work ("All in the Family", 1996).

These are just two examples of how we can use the successes of private enterprise in the public sector. Not only can young employees learn from older family employees, but the reverse is also true. Who better to keep an older family member motivated than a younger family member? With all the changes in society and within the police department, I believe that family members give each other strength and help each other to adapt to changes. If morale is higher, the employee is happier, then their work production stays at a higher quality. This is a definite benefit for the department and to the community.

Conclusion/Recommendations

The purpose of this project is to give the command staff of the Fort Worth Police Department enough information to make an informed decision on the subject of a nepotism policy. The department has never kept records on relationships of employees, but through this project, it was determined that 13% of the 1188 sworn personnel of the department are related within the first degree of affinity and consanguinity (Taylor, 1996). This project should aid the command staff in deciding if the department needs a policy on nepotism.

Most of the policies studied specifically relate to the practices of supervising family members. If the department is currently at 13% relationships, then this could cause

problems in the future with promotions of involved employees. A simple policy could alleviate future problems and concerns.

A police career is now considered more stable than in past years and is viewed as more appealing to career minded individuals. Many enhancements have been made to the police profession including pay, benefits, advancement and women being more numerous in the work force. These could be factors in why family members are making the same career choices. This project has examined the problems and benefits of family members working together.

The research shows that there are few negative side effects when family members are allowed to work within the same division and can be very healthy for the department and employees. The research shows that allowing a family member to supervise another family member is not healthy for the department. The following is a recommendation for a general order on nepotism:

- A. For this section, the definition of "immediate family" includes:
 - 1). The first degree of affinity: the employee's spouse and the parents, children, brothers and sisters of the spouse.
 - 2). The first degree of consanguinity: the father, mother, brothers, sisters and children of the employee.
- B. The intent of this policy is to avoid the reality and the appearance of conflict of interest in employment.

- C. No person shall be appointed, promoted, or transferred to, or otherwise employed in any position if, as a result, in the new position he or she would provide supervision or to receive supervision from a member of his or her immediate family.
- D. The provisions of this guideline are not to be construed to limit the hiring, promotion, or employment opportunities of any particular group of applicants.

A policy of this nature should eliminate any conflict of interest that may arise in the future.

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