



MISSOURI DEPARTMENT OF TRANSPORTATION PERSONNEL POLICY MANUAL

POLICY TITLE: Employment of Relatives

NUMBER: 0503

CHAPTER TITLE: Employment

EFFECTIVE DATE: December 1, 2016

PRIOR EFFECTIVE DATE: January 1, 2013

POLICY STATEMENT

The department will comply with Missouri State Law regarding the employment of relatives. The department will also restrict the employment of relatives as defined in this policy.

DEFINITIONS

Domestic Partner: Identifies the personal relationship between individuals who are living together and sharing a common domestic life together and are jointly responsible for the basic necessities of life but are not joined in any type of legal partnership, marriage, or civil union.

PROVISIONS / REQUIREMENTS

1. Every supervisor should be aware that Article VII, Section 6 of the Missouri Constitution (1945) states:

Penalty for nepotism: Any public officer or employee in this state, who by virtue of his office or employment, names or appoints to public office or employment any relative within the fourth degree, by consanguinity or affinity, shall thereby forfeit his office or employment.

A supervisor may not recommend or approve an applicant for employment who will work under his/her direct supervision if the applicant is related to the supervisor within the fourth degree by either blood (consanguinity) or marriage (affinity). Also, an applicant may not be hired if he/she is related (within the fourth degree) to the Director of the Missouri Department of Transportation.

2. At the discretion of the district/state engineer or division director, the department may authorize the employment of relatives unless such employment violates other provisions of this policy or any other Department policy. The department should communicate to applicants, when a relative is already employed with MoDOT, that such employment might impact future promotion or transfer opportunities based on restrictions identified in Paragraphs 4 and 5 below.
3. The department prohibits a supervisor or management level employee being married or otherwise related, within the fourth degree, to an employee in his/her line of authority (i.e., supervisory chain). If a department employee marries another department employee, see Personnel Policy 2513, "Workplace Relationships."

4. An employee shall not be selected for a position or assigned to work in a position where he/she will either directly supervise, or be directly supervised by, a relative who is related within the fourth degree.
5. Employees who are related within the second degree will not be allowed to report to the same immediate supervisor.
6. Districts and divisions must ensure proper measures are taken and coordinated with local human resources representatives to ensure any applicant for a position is not related, within the fourth degree, to anyone participating in the hiring/selection process (e.g., applicant review, interview panel, etc.).
7. For purposes of this policy:
 - a. Adoption is the same as a blood relationship.
 - b. A "half" relationship is the same as a "whole" relationship.
 - c. A "step" relationship is the same as a "whole" relationship and applies to stepfather, stepmother, stepson, stepdaughter, stepbrother, and stepsister.
 - d. A relationship "by marriage" terminates if death or divorce occurs.
 - e. A husband is related by marriage (affinity) to his wife's relatives in the same way she is related to them by blood (consanguinity), and she to his in the same manner; but the relatives of the spouses are not necessarily related to one another. For example, a brother of a husband is not related to a brother of his wife.

Micki Knudsen
Human Resources Director,
Signature on File

CROSS REFERENCE

[Article VII, Section 6, Missouri Constitution \(1945\)](#)
[Personnel Policy 2513, "Workplace Relationships"](#)

Degrees of Relationship

To Applicant or Applicant's Spouse/Domestic Partner

| 1st Degree | 2nd Degree | 3rd Degree | 4th Degree |
|------------------------------|------------------------------|------------------------------|------------------------------|
| Spouse/ Domestic Partner | Brother or Sister | Great Grandchild | Great-Great Grandchild |
| Child | Grandchild | Great Grandparent | Great-Great Grandparent |
| Parent | Grandparent | Aunt or Uncle | Grandaunt or Granduncle |
| | | Niece or Nephew | Grandniece or Grandnephew |
| | | | First Cousin |