

IC 36-1-20.2

Chapter 20.2. Nepotism

IC 36-1-20.2-1

Applicability

Sec. 1. This chapter applies to all units.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-2

Individuals employed on July 1, 2012

Sec. 2. An individual who is employed by a unit on July 1, 2012, is not subject to this chapter unless the individual has a break in employment with the unit. The following are not considered a break in employment with the unit:

(1) The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation.

(2) The individual's employment with the unit is terminated followed by immediate reemployment by the unit, without loss of payroll time.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-3

Precinct election officers and volunteer firefighters not subject to chapter

Sec. 3. For purposes of this chapter, the performance of the duties of:

(1) a precinct election officer (as defined in IC 3-5-2-40.1) that are imposed by IC 3; or

(2) a volunteer firefighter;

is not considered employment by a unit.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-4

"Direct line of supervision"

Sec. 4. (a) For the purposes of this chapter, a person is in the "direct line of supervision" of an elected officer or employee if the elected officer or employee is in a position to affect the terms and conditions of the individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation.

(b) The term does not include the responsibilities of the executive, legislative body, or fiscal body of a unit, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the unit.

As added by P.L.135-2012, SEC.7. Amended by P.L.13-2013, SEC.149.

IC 36-1-20.2-5

"Employed"

Sec. 5. As used in this chapter, "employed" means an individual who is employed by a unit 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 unit.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-6

"Member of the fire department"

Sec. 6. As used in this chapter, "member of the fire department" means the fire chief or a firefighter appointed to the department.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-7

"Member of the police department"

Sec. 7. As used in this chapter, "member of the police department" means the police chief or a police officer appointed to the department.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-8

"Relative"

Sec. 8. (a) As used in this chapter, "relative" means any of the following:

- (1) A spouse.
- (2) A parent or stepparent.
- (3) A child or stepchild.
- (4) A brother, sister, stepbrother, or stepsister.
- (5) A niece or nephew.
- (6) An aunt or uncle.
- (7) A daughter-in-law or son-in-law.

(b) For purposes of this section, an adopted child of an individual is treated as a natural child of the individual.

(c) For purposes of this section, the terms "brother" and "sister" include a brother or sister by the half blood.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-9

Adoption of more stringent or detailed requirements

Sec. 9. (a) This chapter establishes minimum requirements regarding employment of relatives. The legislative body of the unit shall adopt a policy that includes, at a minimum, the requirements set forth in this chapter. However, the policy may:

- (1) include requirements that are more stringent or detailed than any provision in this chapter; and
- (2) apply to individuals who are exempted or excluded from the application of this chapter.

The unit may prohibit the employment of a relative that is not otherwise prohibited by this chapter.

(b) The annual report filed by a unit with the state board of

accounts under IC 5-11-13-1 must include a statement by the executive of the unit stating whether the unit has implemented a policy under this chapter.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-10

Employment of relatives in direct line of supervision prohibited

Sec. 10. Individuals who are relatives may not be employed by a unit in a position that results in one (1) relative being in the direct line of supervision of the other relative.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-11

Employee not in violation if relative assumes elected office; promotions

Sec. 11. (a) This section applies to an individual who:

- (1) is employed by a unit on the date the individual's relative begins serving a term of an elected office of the unit; and
- (2) is not exempt from the application of this chapter under section 2 of this chapter.

(b) Unless a policy adopted under section 9 of this chapter provides otherwise, an individual may remain employed by a unit and maintain the individual's position or rank even if the individual's employment would violate section 10 of this chapter.

(c) Unless a policy adopted under section 9 of this chapter provides otherwise, an individual described in subsection (b) may not:

- (1) be promoted to a position; or
- (2) 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;

if the new position would violate section 10 of this chapter.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-12

Employment contract not abrogated

Sec. 12. This chapter does not abrogate or affect an employment contract with a unit that:

- (1) an individual is a party to; and
- (2) is in effect on the date the individual's relative begins serving a term of an elected office of the unit.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-13

Sheriff's employment of spouse as prison matron allowed

Sec. 13. Unless the policy adopted under section 9 of this chapter provides otherwise, a sheriff's spouse may be employed as prison matron for the county under IC 36-8-10-5 and the spouse may be in the sheriff's direct line of supervision.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-14

Employment of former coroner allowed

Sec. 14. Unless the policy adopted under section 9 of this chapter provides otherwise, an individual:

- (1) who served as coroner;
- (2) who is currently ineligible to serve as coroner under Article 6, Section 2(b) of the Constitution of the State of Indiana;
- (3) who, as coroner, received certification under IC 36-2-14-22.3; and
- (4) whose successor in the office of coroner is a relative of the individual;

may be hired in the position of deputy coroner and be in the coroner's direct line of supervision.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-15

Township trustee; hiring of relative to work in office located in residence permitted; salary limit

Sec. 15. If the township trustee's office is located in the township trustee's personal residence, unless the policy adopted under section 9 of this chapter provides otherwise the township trustee may hire only one (1) employee who is a relative. The employee:

- (1) may be hired to work only in the township trustee's office;
- (2) may be in the township trustee's direct line of supervision; and
- (3) may not receive total salary, benefits, and compensation that exceed five thousand dollars (\$5,000) per year.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-16

Annual certification by elected officer

Sec. 16. Each elected officer of the unit shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this chapter. An officer shall submit the certification to the executive of the unit not later than December 31 of each year.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-17

Noncompliance reported to the department of local government finance

Sec. 17. If the state board of accounts finds that a unit has not implemented a policy under this chapter, the state board of accounts shall forward the information to the department of local government finance.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-18

Budget or additional appropriations may not be approved

Sec. 18. If a unit has not implemented a policy under this chapter, the department of local government finance may not approve:

(1) the unit's budget; or

(2) any additional appropriations for the unit;

for the ensuing calendar year until the state board of accounts certifies to the department of local government finance that the unit is in compliance with this chapter.

As added by P.L.135-2012, SEC.7.