

**AN ORDINANCE APPROVING AMENDMENTS TO THE CITY OF BRANSON'S HUMAN RESOURCES MANUAL, ARTICLE 6 - SECTION 4 PERTAINING TO REQUIREMENTS FOR ORIGINAL EMPLOYMENT AND HIRING OF RELATIVES.**

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**WHEREAS**, The Human Resources Manual was revised and adopted December 8, 2009 to be effective January 1, 2010 to provide equitable and uniform procedures for dealing with employee matters; and

**WHEREAS**, the City of Branson recognizes the importance of maintaining a fair and transparent employment environment; and

**WHEREAS**, the City Administrator has been identified as the appropriate authority for approving exceptions to the Hiring of Relative Policy; and

**WHEREAS**, the Board of Aldermen desires to amend the City of Branson's Human Resources Manual.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, AS FOLLOWS:**

Section 1: The Board of Aldermen hereby approves the amendments to the City of Branson's Human Resources Manual, Article 6 – Section 4 pertaining to requirements for Original Employment and Hiring of Relatives attached hereto as Exhibit 1.

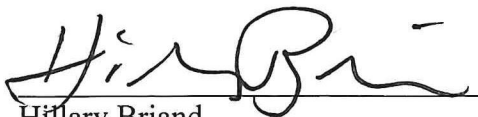
Section 2: This ordinance shall be in full force and effect upon and after its passage and approval.

Read, this first time on this 24<sup>th</sup> day of October, 2023.

Read, this second time, passed and truly agreed to by the Board of Aldermen of the City of Branson, Missouri this 14<sup>th</sup> day of November, 2023.

  
Larry D. Milton  
Mayor

ATTEST:

  
Hillary Briand  
City Clerk

APPROVED AS TO FORM:

  
City Attorney

## **ARTICLE 6 - REQUIREMENTS FOR ORIGINAL EMPLOYMENT**

### **Section 1. Age**

Age requirements for employment by the City of Branson shall be in conformity with Federal and State laws.

### **Section 2. Residence Requirement**

- A. As required by the City Code, the City Administrator shall reside in the City of Branson during his tenure in office. The City Administrator is authorized to establish Administrative Rules with regard to residency requirements for all other positions in the City service.
- B. Any employee changing residence or address and phone number must notify his or her Department Administration and the Human Resources Department upon the first shift when returning to work after having made such change.

### **Section 3. Fitness for Duty**

All City employees must possess sufficient mental and physical capabilities to be able to perform the requirements of the position for which they are employed. Accommodation for physical and mental capabilities as described by the Americans with Disabilities Act (ADA) shall be provided if the person is otherwise qualified. The physical and mental qualifications of persons in City employment may be evaluated by physicians approved and paid for by the City and all employees shall submit to such examination when so ordered by the Human Resources Director.

### **Section 4. Hiring of Relatives**

- A. The Missouri Constitution, Article VII, Section 6, prohibits nepotism, stating “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.” That prohibition causes an automatic forfeiture of your job if you participate in the decision to hire or promote a relative as far removed as a cousin, great-uncle/aunt, son/daughter-in-law, or other blood relative or “in-law” within the “fourth degree.” For purposes of this entire section, cohabitants will be included in the definition of “any relative within the fourth degree.” ~~[For a list of relatives included in this definition, please contact the Human Resources Department.]~~ **Relatives within the fourth degree of consanguinity or affinity include: parent, child, spouse, grandparent, grandchild, sibling, parent-in-law, daughter/son-in-law, great-grandparent, aunt/uncle, niece/nephew, great-grandchild, grandparent-in-law, grandchild-in-law, brother/sister-in-law, great great grandparent, great aunt/uncle, first cousin, grandnephew/niece, great grandparent-in-law, aunt/uncle-in-law, first cousin-in-law, niece/nephew-in-law, and great grandchild-in-law.**
- B. No person shall be hired, transferred, demoted, or promoted as an employee in the classified or unclassified service who is in a relationship status noted in A. above, whether



or not related by blood, to any person in a supervisory/subordinate chain-of-command position to the employee's position.

- C. If two employees who are in supervisory/subordinate chain-of-command position marry or cohabitate, one of these employees must notify the Human Resources Director upon the first shift when returning to work after having married or beginning cohabitation. One of these employees must also submit a request for transfer to the Human Resources Director, provided there is an available position in which to transfer. If no such transfer is requested or occurs within 90 calendar days of the wedding date or the date of cohabitation, one party must resign from the City service. If parties involved cannot agree on who should leave the City service, termination of employment for one of the employees will be determined by the City Administrator for that person who has a combination of less time of service for the City and lower performance evaluation scores. Such termination of employment shall be categorized as leaving employment good standing.
- D. Any employment arrangement of relatives within the fourth degree of consanguinity and affinity, that can create a potential conflict of interest, may be evaluated and determined by the City Administrator when such potential conflict is raised by the Department Director or the Human Resources Director. The determination by the City Administrator in resolution of a potential conflict is final and cannot be appealed. If a conflict of interest is determined, one party must resign from the City service. If parties involved cannot agree on who should leave the City service, termination of employment of one of the employees will be determined by the City Administrator based on a combination of lower performance evaluation scores and less seniority. Such termination shall be considered in leaving employment in good standing.
- E. Notwithstanding the above provisions, the City Administrator has the authority to allow an exception to working within the same department to this rule so relatives within the fourth degree of consanguinity or affinity may work within the direct chain of command of another relative within the fourth degree of consanguinity or affinity if all authority and responsibility for all personnel actions are delegated in writing to a higher or equal level within the chain of command. Such delegation should be documented as a management plan and kept on file with the Human Resources Department in both employee's personnel files.
- F. Violations of this policy may result in disciplinary action, up to and including termination of employment.

## Section 5. Maintenance of Special Requirements

When the City requires employees to meet specific standards and possess special experience and training to perform the duties of a position, those standards and special experience and training must be maintained in order to continue employment with the City.