ITEM NO. DRPA-10-048

SUBJECT: Revising the Authority’s Policy on the Employment of Relatives

COMMITTEE: Unfinished Business

COMMITTEE MEETING DATE: October 3, 2012

BOARD ACTION DATE: October 17, 2012

PROPOSAL: That the Board adopt a resolution amending the Authority’s Policy & Procedures Manual Series No. 163, regarding the employment of relatives of employees and Commissioners of the Authority.

PURPOSE: To adopt a resolution amending the Authority’s existing policy regarding the employment of relatives of employees and Commissioners of the Authority.

BACKGROUND: On August 18, 2010, the Board approved DRPA-10-048 amending the Authority’s Policy and Procedure Manual Series No. 163, Employment of Relatives to prohibit the employment of relatives of all employees and Commissioners of the Authority. The Board now wishes to revise that amended policy to clarify the Authority’s policy regarding the employment of relatives.

SUMMARY: Amount: N/A
Source of Funds: N/A
Capital Project #: N/A
Operating Budget: N/A
Master Plan Status: N/A
Other Fund Sources: N/A
Duration of Contract: N/A
Other Parties Involved: N/A
RESOLUTION

RESOLVED: That the Board adopt the attached policy which will replace the amendment to the Authority’s Policy & Procedures Manual Series No. 163 adopted on August 18, 2010.

SUMMARY:  
Amount:     N/A
Source of Funds:     N/A
Capital Project #:     N/A
Operating Budget: N/A
Master Plan Status:     N/A
Other Fund Sources:     N/A
Duration of Contract:     N/A
Other Parties Involved:  N/A
SCOPES

Defines policy and procedure governing the employment of relatives of all employees and Commissioners of the Delaware River Port Authority and Port Authority Transit Corporation (collectively the Authority).

POLICY

Commencing August 18, 2010, no relative of any Commissioner, Officer or employee shall be offered employment by the Authority. This prohibition shall not require termination of any employee hired before August 18, 2010.

This amendment to the original policy will become effective upon passage by the DRPA Board of Commissioners on October 17, 2012.

For the purposes of this policy “relative” means spouse, parent, parent-in-law, child, brother, sister, aunt, uncle, niece, nephew, first cousin, grandparent, grandchild, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepparent, stepchild, stepsiblings, half siblings, whether related by blood marriage or adoption, any person residing within the same household of a Commissioner, Officer or employee or any other with whom the Commissioner, Officer or employee has a personal relationship.

For the purposes of this policy the term “Commissioner” applies to all of the following:

- Anyone serving as an *ex officio* or duly appointed and sworn Commissioner of the Delaware River Port Authority and
- Anyone who has served as a Commissioner, *ex officio* Commissioner or alternate Commissioner within 10 (ten) years of a relative’s application for employment with the DRPA or PATCO.

For purposes of this policy, “personal relationship” means a continuing, romantic or intimate relationship between people, particularly when that relationship includes, but is not limited to, any of the following:

- An engagement or contract to marry in force within three months of a potential employee’s application for employment, or
- A domestic partnership certification by a government entity or court that is active within three months of a potential employee’s application for employment.

Employees who are not relatives as defined by this policy but subsequently become relatives as defined by this policy, may both continue to be employed unless a conflict of interest or the appearance of a conflict of interest is created by the relationship. If a conflict of interest or the appearance of a conflict is identified, it will be presented by the manager of the higher ranking “relative” to the Office of the Inspector General, which will make a recommendation to the CEO. If in the opinion of the CEO, in consultation with the Office of the Inspector General, a conflict or the appearance of a
conflict arises as a result of the changed relationship, one of the employees may be transferred to another department at the earliest practical time. If such transfer is not practicable or feasible, the manager, in conjunction with the Office of the Inspector General, will make a recommendation to the CEO, who will determine whether one employee will be asked to leave the Authority.

In no event may any employee supervise or be supervised by a relative as defined herein. Transfers of current employees who are currently being supervised by a relative will occur under the same procedure described above. Specifically, the manager of the higher ranking employee will make a recommendation to the CEO who will authorize the transfer.

This policy shall operate prospectively with respect to the retention of current employees whose employment would otherwise be in violation of this policy. However, all other aspects of this policy shall apply to such employees. Specifically, relatives currently working in the same department at the Authority may be transferred if it is determined that a conflict or the appearance of a conflict exists. The determination of whether transfer is necessary will be made as outlined above.