



**Anne Arundel County  
Ethics Commission**

August 14, 2009

***By Electronic Mail Only***

Re: AO-09-55

You inquired whether your office may hire the qualifying relative<sup>1</sup> of a current county employee as a “temp.” The employee works as an inspector in your office and the relative would be hired as a temporary customer service representative, to take calls from citizens with complaints about their service. The customer service representatives relay these complaints to the inspectors who investigate and help the customer service reps resolve the alleged problem with the service.

The permanent position of customer service representative (office support assistant II) was advertised and applications were received but because of a backlog in processing these applications, and until the time that the position can be filled, your office is in need of immediate assistance. The relative of the employee would sign on with the temporary employment agency with which you frequently contract and would then be selected by you for the temporary position. You do not know whether the relative has applied for the permanent position. You indicated that the relative has the necessary “skill set” to perform this job. Those skills are described in the county code as: “graduation from high school; and considerable experience in general office support duties.”

You also stated that although inspectors work with the customer service representatives, the current employee would generally have no supervisory authority over the relative. On occasion however, when the supervisor of the office is on vacation, an inspector is assigned to fill in as supervisor. You stated that you would take the steps necessary to avoid a supervisory relationship between the employee and the relative.

The ethics commission advises that you may hire this relative to work as a temporary office support assistant in the employee’s office, as long as the employee does not participate in the hiring decision and does not exercise any supervisory authority over the relative. See [§7-5-101](#).

That being said, the commission further advises that hiring the relative would create the appearance of favoritism that the ethics law seeks, albeit imperfectly, to avoid.<sup>2</sup> It certainly

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<sup>1</sup> "Qualifying relative" means a spouse, parent, child, brother, or sister. [§7-1-101\(22\)](#)

<sup>2</sup> Section 7-5-102(a)(2) states that “it is evident that [the public’s] confidence and trust is eroded when the conduct of the County's business is subject to improper influence or *even the appearance of improper influence*.”

would appear to a reasonable person that the relative has been selected, not because of the skills necessary to do the job, but because of the relationship to the employee. This appearance is reinforced by the fact that the skills for this job do not require significant or specialized training or experience. In this tenuous economy, with an extremely competitive job market, it would seem highly unlikely that this particular applicant is better suited for this hire than most of the other applicants for this position. Having the relative sign with the temporary employment agency with which your office regularly does business appears to be a prearranged plan that is part of a hiring decision that has already been made. And frequently, being hired to a temporary position gives the temporary employee an advantage in developing the skills to compete for the permanent position. However, because the law does not prohibit it, the hiring decision is yours to make, presumably with the assistance of the personnel office. You should advise that office of the family relationship of any applicant.

Thank you for your inquiry. If you have any other questions, please call.

The Anne Arundel County Ethics Commission

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By: \_\_\_\_\_  
Betsy K. Dawson, Executive Director