



CITY OF BOSTON • MASSACHUSETTS

OFFICE OF THE MAYOR  
**THOMAS M. MENINO**

September 14, 2010

To The City Council:

Dear Councillors;

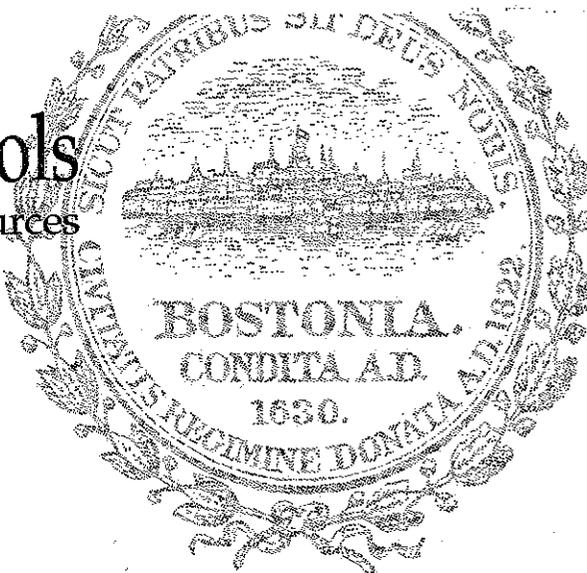
In response to the 17F request filed by your Honorable Body on 8/25/2010 re: the Boston Public Schools nepotism survey, please find the attached response.

Sincerely,

Thomas M. Menino  
Mayor of Boston

# Boston Public Schools

Office of Human Resources



September 9, 2010

City Councilor Chuck Turner  
1 City Hall Square, Suite 550  
Boston, MA 02201-2043

Dear Councilor Turner:

In May 2010, we circulated the attached memo to all Department Heads and Principals/Headmasters in Boston Public Schools. It primarily served as a reminder about the conflict of interest laws in Massachusetts, specifically as they relate to nepotism. In addition, supervisors were instructed to contact me by June 4<sup>th</sup> if they had such a conflict. I did not receive any such communications. This summer we did identify one circumstance that required further review. As a result, we made changes to staffing where possible and are working with any existing staff to prepare necessary disclosures in compliance with the applicable laws.

Thank you,

William C. Horwath  
Assistant Superintendent for Human Resources

cc: Enclosure

26 Court Street  
Boston, MA 02108

Voice: (617) 635-9600  
Fax: (617) 635-9672

[www.bostonpublicschools.org](http://www.bostonpublicschools.org)



 FOCUS  
On Children  
Boston Public Schools

# BOSTON PUBLIC SCHOOLS



OFFICE OF THE SUPERINTENDENT

## MEMORANDUM

TO: Principals, Headmasters and Supervisors

FROM: Carol R. Johnson *Carol R. Johnson*  
Superintendent

DATE: May 21, 2010

SUBJECT: Conflict of Interest: Nepotism

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This memo is intended to remind all supervisors of their obligations under the Massachusetts Conflict of Interest laws, General Law (G. L.), Chapter (c.) 268A, the City of Boston's policy regarding nepotism, "Introduction to the Conflict of Interest Law for City of Boston Employees" dated February 24, 1994, and the Boston Public Schools Superintendent's Circular, LGL-19.

BPS employees are subject to the City of Boston's conflict of interest policy which states that municipal employees have an ethical responsibility to the people of Boston. "High standards of ethics and conduct ensure that we, as public servants, will carry out our obligations honestly and fairly." The policies under the Prohibited Actions section state the following with regard to municipal employees:

You may not ever take any type of action on matters that would affect your own financial interests, or the financial interests of:

- **Members of your immediate family** (yourself, your spouse, your parents, your siblings, your children, you spouse's parents, your spouse's siblings and your spouse's children);
- **A business or charitable organization** for which you serve as an officer, board member, director, trustee or partner;
- **A private "after hours" employer;** or
- **Any person or organization with whom you are negotiating future employment,** or with whom you have an agreement regarding future employment.

**Prohibited actions** include approving, disapproving, deciding, making recommendations about, investigating, advising, voting, "signing off" on, advocating, or in any other way substantially affecting the matter.

**Nepotism:** You may not hire, fire or supervise members of your immediate family. Also, you may not take any action regarding salary increases, union negotiations, budget items, or other matters which would affect an immediate family member's financial interests.

Furthermore, the Massachusetts conflict of interest laws apply to all municipal employees, including those holding an office, whether by election, appointment or contract. Massachusetts General Law 268A § 19(a) states:

a municipal employee who participates as such an employee in a particular matter in which to his knowledge he, **his immediate family** or partner, a business organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest, shall be punished....

Under this standard, BPS employees may not **personally and substantially participate** in the **approval and hiring decision** of their immediate family members to municipal jobs, even if they are unpaid internships.

Hiring a family member not only violates the above provision of the law, but also may violate the following provisions: G.L. c. 268A, § 23(b)(2) prohibits a municipal employee from using or attempting to use his official position "to secure for himself or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals;" and G.L. c. 268A, § 23(b)(3) forbids a municipal employee from engaging in activity that **creates an appearance of a conflict of interest** as viewed by the reasonable person. Under the law, if a municipal employee acts in a manner that creates an appearance of a conflict (for example, hiring a member of his / her family), it does not matter whether preferential treatment was actually given.

In order to comply with this City policy and state law, all incidents of nepotism must be addressed immediately. Consequently, all department heads, principals, and headmasters are required to report any and all incidents of family member relationships within their department or schools to Bill Horwath, Assistant Superintendent of Human Resources **by the close of business on June 4, 2010.**

Bill Horwath  
Assistant Superintendent of Human Resources  
Email: [whorwath@boston.k12.ma.us](mailto:whorwath@boston.k12.ma.us)

Address: Human Resources  
26 Court Street  
Boston, MA 02108

Please include the following information: names of employees, employee ID numbers, position / title, working relationship, familial relationship.

BPS will move to rectify these familial situations by providing assistance to affected employees which may include reassignment. In cases where reassignment or alternative resolution is not possible, BPS will seek written assurances from department heads, principals and headmasters that they will not supervise, evaluate or make any other employment decisions regarding their family members; and, that they will not allow the situation to occur within their schools or departments. In any case, these familial relationships will no longer be tolerated in the Boston Public Schools and BPS will take all necessary steps during the hiring process to identify and prohibit any familial relationships that exist from this point forward.

Thank you for your prompt attention to this matter.