PURPOSE
RWJBarnabas Health (RWJBH) is committed to maintaining a professional environment of mutual respect and trust. While the privacy of its Employees is important, RWJBH recognizes that there exists the opportunity for the inappropriate use of power, trust or authority. Certain relationships in the work environment have the potential to compromise, or appear to compromise, fairness and objectivity. This policy is intended to promote employment decisions and conduct in the work setting that avoid a conflict of interest, appearance of favoritism, abuse of power, or potential for a hostile work environment.

APPLICABILITY
This policy applies to all Employees and applicable contracted services that provide leaders, personnel and/or Employees within the organization.

IMPLEMENTATION
Implementation of this policy is the responsibility of Human Resources and supervisors throughout the organization.

POLICY
RWJBH is committed to the hiring and advancement of Employees based on qualifications, achievement and merit. RWJBH respects the privacy of all Employees and recognizes that all individuals are entitled to freely choose their personal associations and relationships. RWJBH is also mindful that familial relationships and consensual romantic or sexual relationships in the workplace may cause a conflict of interest, the opportunity for exploitation, the inappropriate use of power, trust or authority, or may undermine professionalism, any or all of which negatively affects the fairness and objectivity that is essential to a positive working environment. Nepotism and consensual Amorous Relationships are strongly discouraged, if not prohibited, under this policy.

RWJBH seeks to exercise sound business judgment in its hiring and advancement decisions with respect to relatives of Employees and anyone involved in consensual Amorous Relationships. With respect to any individual with whom an Employee is married, related by blood or law or involved in a consensual Amorous Relationship, the Employee may not:

- Evaluate the individual’s work performance or participate in the performance planning or review
- Hire, rehire, promote or terminate the individual, or effectively recommend such action
- Influence the individual’s salary or classification (directly or indirectly)
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- Interview the individual for a position
- Influence payroll or scheduling
- Make any recommendation affecting the individual’s terms and/or conditions of employment, unless made in connection with a decision affecting a collective bargaining unit or entire classification of employees
- Supervise the individual or report directly or indirectly to the individual
- Waste narcotics or other two factor verifications such as blood transfusions
- Work in a position where employment may present a conflict of interest

The foregoing restrictions shall also apply if an Employee becomes related to another Employee through marriage or otherwise during his or her employment. If in doubt concerning any of the situations listed above, the Employee or supervisor should contact Human Resources for clarification and guidance.

DEFINITIONS

Amorous Relationship is defined as a consensual romantic, sexual or dating relationship, not including marriage, domestic partnership or a civil union relationship.

Domestic Partner is defined as an individual in a committed relationship with an Employee of the same gender who is neither married to nor related by blood, adoption or law to the Employee.

Employee is defined as an individual employed by RWJBH.

Nepotism is defined as favoritism granted to relatives or other close relationship not based on merit.

Familial Relationship or Relative is defined as any person who is related to an Employee in any of the following ways:

1. Parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, related by blood, marriage or through adoption.
2. Spouse, domestic partner, stepparent, stepchild, or other relation established by law or court order.

Supervisor, for purposes of this policy, is defined as any Employee who has the authority over or ability to recommend the hiring, disciplining (including termination), promoting, evaluating, and/or directing of another person.
PROCEDURES

1. EMPLOYMENT OF RELATIVES
   A. RWJBH may hire a qualified Relative of any Employee as long as the employment does not create an actual or potential conflict of interest, or violate any other policy, and the existing Employee has no influence over the terms and conditions of the Relative’s employment.
   B. The decision as to whether an actual or potential conflict of interest exists in the hiring of a Relative shall be determined according to RWJBH’s policies. Accordingly, any hiring decision relating to a Relative of an Employee must be done in consultation with Human Resources.
   C. With the exception of providing a recommendation for the Relative, which shall be accorded such weight as determined in the sole discretion of RWJBH, an Employee shall not have any direct or indirect role in the decision to hire the Relative.

2. CONSENSUAL AMOROUS RELATIONSHIPS
   A. All Employees are cautioned that consensual Amorous Relationships in the work environment can create conflicts of interest, the appearance of, if not actual, favoritism, as well as claims of sexual harassment or hostile work environment, calling into question the basis of “consent” given the position of power, trust or authority one person may have over the other.
   B. RWJBH prohibits any Amorous Relationship between a Supervisor and another Employee who is the Supervisor’s subordinate, meaning subject to the Supervisor’s direct or indirect authority or control.

3. RESPONSIBILITIES FOR IMPLEMENTATION
   A. DISCLOSURE REQUIREMENTS: With regard to any familial or Amorous Relationship covered by this policy, including an Amorous Relationship prohibited by this policy that pre-dated the policy, an Employee is required to disclose any such relationship to his or her immediate Supervisor and Human Resources. Such disclosure must be made immediately upon the event(s) giving rise to the relationship, including the posting of this revised policy. In addition, the Employee is expected to take all steps necessary to remove himself or herself from positions of responsibility with respect to the Relative, or to immediately seek the assistance of Human Resources to effectuate the necessary steps.
B. When a Supervisor learns of an actual or suspected familial relationship among, or an actual or suspected Amorous Relationship, the Supervisor must take the following actions:

1. Consult with Human Resources.
2. Based on the consultation with Human Resources, an investigation may be warranted, including meeting with the Employee(s) to discuss the possible conflict and apprise him or her of RWJBH’s policy.
3. Whether confirmed or denied, the investigation should document the investigation and follow-up actions and appropriately secure notes from all discussions, including:
   a. information received from the individuals,
   b. prohibited activities and potential conflicts discussed,
   c. steps taken to avoid and eliminate the prohibited activities,
   d. method and frequency with which the action will be reviewed,
   e. any necessary and appropriate disclosures which were made to other leaders.
4. Any steps taken must be set forth in writing and retained in the relevant individual(s) personnel file(s).
5. If a Supervisor is involved, or becomes involved, in a familial or Amorous Relationship covered by this policy, then the Supervisor must report it to his or her immediate supervisor and Human Resources to be handled in accordance with this policy.
6. Failure to act in accordance with this policy may subject the Supervisor to disciplinary action, up to and including termination of employment.
7. If a familial relationship is created by marriage, or any other event, and direct or indirect authority or control by an Employee over a Relative results, both individuals must disclose the relationship immediately to their respective supervisors. Both supervisors are required to follow the requirements of section 3B above.
8. Failure to report a relationship covered by this policy may subject the Employee(s) to disciplinary action, up to and including termination of employment.
9. In other cases, where a conflict or the potential for conflict arises resulting from the employment of relatives, even though a supervisory relationship does not exist, RWJBH reserves the right at its sole discretion to separate, reassign or terminate employment of either individual. In like fashion, RWJBH reserves the right to address any personal relationship that interferes with or otherwise damages the maintenance of smooth operations.
4. SEXUAL HARRASSMENT CLAIM; OTHER VIOLATION OF POLICY

   A. If there is a claim or complaint of sexual harassment that arises from an Amorous Relationship, the matter will be referred to Human Resources, and an investigation will be conducted in accordance with RWJBH policies. If the facts establish that a power differential existed within the relationship, mutual consent may not be an adequate or acceptable defense. If there is a disagreement as to whether the behavior at issue was affirmatively consensual between the involved individuals, the burden will be on the individual against whom the claim or complaint is made to prove mutual consent.

   B. Any violation of this policy, including a substantiated claim or complaint of sexual harassment, will result in discipline up to and including termination, if appropriate. Similar action may be taken for any claims that are made that are found to be completely false in nature, or lacking a good faith basis.

AT-WILL EMPLOYMENT NOT AFFECTED

Notwithstanding anything to the contrary stated in this policy, nothing herein is intended to alter the at-will status of any Employee. RWJBH at all times retains the right to terminate any Employee at any time for any lawful reason, or for no reason at all.