

ALL IN THE FAMILY IN OREGON

QUESTION: My name is Earl, and I am a supervisor at a manufacturing facility. We have been desperate to hire new assembly employees for several weeks, and I've been trying to recruit people to come work on my crew. I finally convinced my brother Darryl to apply, and after interviewing him last week I feel he would be a hard worker and fit in well with the rest of my crew. As soon as my boss got wind of the fact that I wanted to hire Darryl, he called me in and told me he was going to offer Darryl a job in processing, which is a completely separate department from the one I supervise.

When I tried to hire my stepbrother Dave, the boss called me in again and explained that he would be hiring him to work in the customer service department even though Dave doesn't even have any customer service experience!

As it turns out, the boss told each of my two brothers, in different meetings, that the company does not hire family members to work for other family members. Although my boss never came right out and said that to me as an explanation for not hiring them to work in my department, he did comment more than once that he was "just following company policy."

I can't believe the boss told them he was following company policy, because I know other employees who are related to each other work in the same department - Hannah and her sisters, who all work in receiving, come to mind.

I'm hopping mad at my boss, and I told my brothers that they should sue the company for discrimination. Every supervisor worth his salt knows that despotism is illegal here in Oregon. I work for a large employer that seems like it should know the rules - what should I do to let them know that what they are doing by interfering with my decision to hire Darryl and Dave is wrong?

ANSWER: We're assuming you meant to say nepotism - the practice of favoring family members - we offer the following information regarding discrimination based on family relationships in an employment context.

You are correct that discrimination in hiring based on family relationship status is generally illegal in Oregon. It is an unlawful employment practice for an employer -- solely because another member of an individual's family works or has worked for that employer -- to refuse to hire or employ an individual, to bar or discharge an individual, or to discriminate against an individual in compensation or in terms, conditions or privileges of employment.

There is, however, an exception to the general rule that family relationship may not be the basis for hiring decisions, and it applies to the situation you find yourself in regarding your brother Darryl and your stepbrother Dave. An employer is not prohibited from barring an individual from employment if such an action would place the individual in a position of being subject to supervisory, appointment or grievance adjustment authority exercised by a member of the individual's family.

According to Oregon law, a family relationship means wife, husband, son, daughter, mother,

father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent or stepchild of an individual presently employed by the employer. Although Dave is your stepbrother, in all likelihood he would be included in the definition as a brother.

There are many employers who choose to make employment decisions (when hiring, transferring or promoting employees) without regard to whether a family member would end up supervising another family member, which is acceptable as long as the employer treats all employees who have family relationships with other employees the same.

For more information about important issues impacting Oregon employers, including seminars from our Technical Assistance Unit, visit our website at www.oregon.gov/boli/ta.