



Administration
& Management

OFFICE OF THE SECRETARY OF DEFENSE

1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

December 4, 1986

ADMINISTRATIVE INSTRUCTION NO. 65

SUBJECT: Restrictions on the Employment of Relatives

- References:
- (a) Administrative Instruction No. 65, "Employment of Relatives and Members of the Same Family," December 13, 1971 (hereby canceled)
 - (b) Section 3110 of title 5, United States Code, "Employment of Relatives; Restrictions," December 16, 1967
 - (c) Federal Personnel Manual, Chapter 213, "Excepted Service," Appendix G
 - (d) [Administrative Instruction No. 55](#), "Requests for Civilian Position and Personnel Actions," April 15, 1985

1. REISSUANCE AND PURPOSE

This Instruction reissues reference (a), implements reference (b), and updates policy and guidance on the employment of relatives.

2. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense (OSD), the Organization of the Joint Chiefs of Staff (OJCS) and all other activities assigned to Washington Headquarters Services (WHS) for administrative support (hereafter referred to collectively as "OSD Components").

3. DEFINITIONS

3.1. Public Official. Anyone by law, rule, regulation, or delegation having appointment or promotion authority in his or her organization or authority to

recommend employees for appointment or promotion. Any supervisor, regardless of grade level, having authority to appoint, promote, or recommend the appointing or promoting of employees under his or her supervision is a public official. A personnel specialist having authority to appoint, promote, or recommend the appointing or promoting of employees is a public official. Determining that a person is eligible for appointment under applicable laws, regulations, or standards does not constitute a recommendation.

3.2. Relative. Includes father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister. When popular and legal usage differ, the strict or legal definition is applied to these terms as follows:

3.2.1. Aunt. Sister of a public official's father or mother.

3.2.2. Brother-in-Law. Brother of a public official's spouse or spouse of an official's sister.

3.2.3. Nephew. Son of a public official's brother or sister.

3.2.4. Niece. Daughter of a public official's brother or sister.

3.2.5. Sister-in-Law. Sister of a public official's spouse or spouse of an official's brother.

3.2.6. Uncle. Brother of a public official's father or mother.

4. POLICY

4.1. Related persons as defined in paragraph 3.2., above, military or civilian, living in the same or separate households, shall not be appointed or assigned to positions in the competitive or excepted service (including expert and consultant positions), for the following:

4.1.1. The same organizational entity; i.e., Directorate, Office of the Deputy Assistant Secretary of Defense (ODASD), Staff Office, or equivalent.

4.1.2. A supervisor-employee relationship.

4.1.3. A position that would necessitate significant official contact or association. Where documenting signifies that the efficiency of the service shall be served by hiring a relative in circumstances described in subparagraph 4.1.1., above, the Director, Personnel and Security is authorized to grant a waiver.

4.2. A public official shall not advocate orally or in writing a relative's appointment, employment, promotion, or advancement in the official's Agency or in an Agency where the official exercises jurisdiction or control.

4.3. Public officials specifically are prohibited from referring a relative for consideration to a subordinate by transmitting an application of employment, providing a letter of recommendation or introduction; etc., to the Directorate for Personnel and Security, WHS; the Civilian Personnel Office, OJCS; or to a line official.

4.4. A public official may reply properly to written or oral employment inquiry about the qualifications and suitability of a relative applying for employment in an OSD Component, if the official refrains from advocating employment of the relative. Verifying employment or suitability does not constitute advocacy but, an affirmative answer to the question, "Would you recommend this person for appointment?" constitutes advocacy.

4.5. A public official may not appoint, employ, promote, or advance in an OSD Component or a DoD Component where the official exercises jurisdiction or control over any of the following:

4.5.1. One of his or her own relatives.

4.5.2. The relative of any public official in the OSD Component or of any public official exercising jurisdiction or control over the OSD Component where that official has advocated the action.

4.6. The relative of a public official may be employed by a subordinate of the official if the official is not involved in that action. When a person officially charged with approving personnel actions delegates this responsibility to an appointing official then one of his or her relatives may be appointed by a subordinate official only if there is full and continuing delegation of authority. If the action is taken in the name of the public official or the public official is required to review or approve the action, that action is still officially the public official's action and the employment restrictions apply.

4.7. An appointment of a son or daughter of a civilian employee or of a member of the Uniformed Services assigned to an OSD Component to a competitive position for summer or student employment may not be made unless the person is as follows:

4.7.1. Eligible for placement assistance under the OPM's Displaced Employee Program.

4.7.2. Employed to meet urgent needs resulting from an emergency posing an immediate threat to life or property or a national emergency.

4.7.3. Appointed from a list of eligibles established under an OPM examination or Agency staffing plan when there is no other available eligible with the same or higher rating and the appointment is not prohibited by 5 U.S.C. 3110 (reference (b)).

4.7.4. A member of a family meeting the income criteria in the Federal Personnel Manual, Chapter 213, Appendix G (reference (c)) who is appointed for student employment. This income criteria does not pertain to a student appointed solely for summer employment.

4.8. An appointment of a son or daughter of a civilian employee or of a member of the Uniformed Services assigned to an OSD Component to an excepted position for summer or student employment (including those employed in cooperative work-study programs under Schedule B, section 213.3202(a)) may not be made unless the person is as follows:

4.8.1. Eligible for placement assistance under the OPM's Displaced Employee Program.

4.8.2. Employed to meet urgent needs resulting from an emergency posing an immediate threat to life or property or a national emergency.

4.8.3. A member of a family meeting the income criteria in Appendix G of the Federal Personnel Manual, Chapter 213 (reference (c)).

4.8.4. Severely physically handicapped or mentally retarded when referred by proper authority.

4.8.5. Employed, with prior OPM approval, in an OSD Component when that OSD Component is the only significant employer in a remote location and the OSD Component's employees and their families are the only significant labor source.

5. RESPONSIBILITIES

5.1. The Director, Personnel and Security, Washington Headquarters Services (WHS), shall grant a waiver for related persons working in the same organizational entity (see subparagraph 4.1.1., if documentation establishes that such employment is in the best interest of the OSD Component.

5.2. The Director, Personnel and Security, Washington Headquarters Services (WHS), and the Civilian Personnel Officer, Organization of the Joint Chiefs of Staff (OJCS), shall:

5.2.1. Review SF-171S, "Application for Federal Employment," and other processing or appointment papers to ensure the restrictions of this Instruction are enforced.

5.2.2. Ensure that nepotism restrictions strictly are adhered to on summer and student applicants.

5.2.3. Establish lists of eligibles for summer employment under a designated Agency Staffing Plan in accordance with this Instruction.

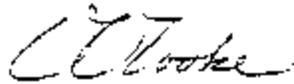
5.3. The Heads of Organizational Entities shall:

5.3.1. Comply with this Instruction and with Administrative Instruction No. 55 (reference (d)) when requesting personnel actions.

5.3.2. When there is adequate justification for a waiver to the policy in subparagraph 4.1.1., send a written request to the Director, Personnel and Security, WHS, for final decision.

6. EFFECTIVE DATE

This Instruction is effective immediately.



David O. Cooke
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(Administration)