



Contact: William Spencer  
(202) 653-7200  
TDD/Videophone Users  
Please Call Via Relay

FOR IMMEDIATE RELEASE  
July 12, 2016

## MSPB REPORT EXPLAINS HOW NEPOTISM CAN BE PREVENTED

In its latest report, *Preventing Nepotism in the Federal Civil Service*, the U.S. Merit Systems Protection Board (MSPB) explains the statutory and regulatory prohibitions against nepotism in the Federal civil service and steps that agencies and employees can take to protect the service from nepotism.

Employees assisting certain relatives to obtain employment or advancement in the civil service is prohibited by a criminal statute (18 U.S.C. § 208), the statute that governs the Federal civil service (5 U.S.C. § 2302(b)(7)), and the regulations for ethical conduct by Federal employees (5 C.F.R. § 2635.502). Each of these authorities applies to slightly different but often overlapping behaviors, and the agency empowered to address the situation can vary. For example, while the Department of Justice would be responsible for prosecuting criminal conduct, an action for violating 5 U.S.C. § 2302(b)(7) may be brought by the independent U.S. Office of Special Counsel (OSC) or by the employing agency. Similarly, while only the criminal statute carries the possible penalty of imprisonment, the title 5 penalties include, but are not limited to, removal, suspension, demotion, and debarment from future Federal employment.

The report notes that one risk factor for nepotism is that new political appointees may be unfamiliar with the civil service rules and not understand the prohibitions on recommending relatives for jobs. “With a presidential election coming this fall, we would like to see the transition plans include how a new administration will educate its appointees about the rules regarding nepotism as well as the other prohibited personnel practices,” explains MSPB Chairman Susan Tsui Grundmann.

“Nepotism is a serious offense that can damage the effectiveness of an agency’s operations and harm the public’s trust that the Government is free from corruption,” says Chairman Grundmann. “That is one reason why the statute instructs MSPB to

study nepotism and the other prohibited personnel practices and report our findings to the President and Congress.”

MSPB’s report explains that despite the differences in how these authorities operate, they share a common means for avoiding impropriety. The three main steps that an employee should take to avoid nepotism or the appearance thereof are: (1) consulting the agency’s ethics advisor about any potential conflict of interest; (2) disclosing the issue to a supervisor or other suitable agency official; and (3) attempting to recuse himself or herself from involvement in any matter that involves a relative or other person with whom the employee has a covered relationship.

The report also includes tips for agencies on how to create an environment in which nepotism is less likely to occur and offers examples of steps some agencies have taken that other agencies should consider.

The U.S. Merit Systems Protection Board (MSPB) is a bipartisan, independent, quasi-judicial agency whose mission is to protect the Merit System Principles and promote an effective Federal workforce free of Prohibited Personnel Practices. To request a printed copy of this report, e-mail [studies@mspb.gov](mailto:studies@mspb.gov); call (202) 254-4496; or write to: Merit Systems Protection Board, Office of Policy and Evaluation, 1615 M Street NW, Washington, DC 20419. MSPB studies are also available on the web at [www.mspb.gov/studies](http://www.mspb.gov/studies).