

Preventing Nepotism in the Federal Civil Service

Research
Highlights



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What is nepotism?

The definition of nepotism can vary based upon the law in question.

The criminal statute, 18 U.S.C. § 208, applies to participating in decisions and other official matters in which the employee has a financial interest in the outcome as a result of a personal relationship. These covered relationships include, but are not limited to, the employee's spouse and minor children.

The civil service law prohibition, 5 U.S.C. §§ 2302(b)(7) and 3110, applies to personnel actions involving the employee's 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.

There are also regulations pertaining to ethical conduct, such as 5 C.F.R. § 2635.502, which cover close familial relationships, members of the same household, and certain business relationships.

What can employees do to avoid committing nepotism?

Regardless of which law or regulation is involved, the three main steps that an employee should undertake 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) obtaining permission to recuse himself or herself from involvement in the matter that involves a relative or other person with whom the employee has a covered relationship.

What can agencies do to limit the potential for nepotism to occur?

Agency leaders and those to whom they have delegated personnel authorities have an obligation to prevent nepotism. Means by which this may be achieved include:

- ⇒ Making better use of human resources (HR) staff as partners to advise officials on the rules and to raise warning alerts if personnel actions seem suspicious.
- ⇒ Requiring additional certifications that personnel actions have not been improperly influenced where the risk-benefit analysis indicates that the work involved in the certifications is appropriate to the level of protection that is needed.
- ⇒ Educating executives, managers, supervisors, and employees about the rules of ethical conduct, including what it means to avoid nepotism and how they can achieve a merit-based workplace.
- ⇒ Ensuring that competitions for positions are as fair and open as is practical for the positions in question.
- ⇒ Holding officials accountable for their own conduct and for supervising the conduct of their subordinates.

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