

**MANUAL GUIDE-HUMAN RESOURCES MANAGEMENT MANUAL CDC CHAPTER 310-1**

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**REFERENCE POINT: Office of Program Support, Human Resources Management Office, Policy and Executive Management Staff**

**MATERIAL SUPERSEDED: Personnel Guides for Supervisors, Chapter III- Filling the Job  
CDC Guide 1-15 - Employment of Relatives, dated 3/24/78**

## **EMPLOYMENT OF RELATIVES**

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### **I. PURPOSE**

This chapter establishes CDC\* policy concerning employment of relatives and was developed in cooperation with the Executive Partnership Council (EPC).

### **II. INTRODUCTION**

Federal law and regulation prohibit the appointment, employment, promotion, or advancement of a relative, or the advocacy of such an action, by any public official in a position to influence, directly or indirectly, these personnel decisions. In 1988, the U.S. Office of Personnel Management (USOPM) provided guidance concerning this issue through a now abolished Federal Personnel Manual chapter. USOPM cautioned agencies to draft their regulations narrowly to ensure that policies related to employment of relatives are consistent with both Equal Employment Opportunity (EEO) laws prohibiting discrimination on the basis of sex or marital status and merit system principles. CDC policies concerning employment of relatives are designed to comply with the letter and intent of the law prohibiting nepotism in Federal employment, while ensuring consistency with EEO laws and merit system principles.

### **III. REFERENCES**

- A. Title 5 U.S. Code 3110
- B. Title 5 CFR Part 310
- C. Federal Personnel Manual Chapter 310 (abolished)

### **IV. REQUIREMENTS**

- A. Definition

For the purpose of this chapter, relatives are: father, mother, son, daughter, brother, sister,

\* References to CDC also apply to ATSDR

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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. This term excludes spouses of nieces, spouses of uncles, spouses of sisters-in-law, etc.

#### B. Coverage

This chapter covers all competitive and excepted service employees of CDC, officers of the Public Health Service Commissioned Corps, and others participating in CDC programs who receive compensation from CDC.

#### C. Policy and Restrictions

By law, CDC managers, supervisors, and others in positions to influence personnel actions may not appoint, employ, promote, or advance a relative to any position within CDC or advocate any such action. To ensure legal and regulatory compliance and to avoid the appearance of inappropriate favoritism in all discretionary personnel actions (those not based on statutory or regulatory requirement, such as mandatory placement through reduction in force), the following specific restrictions apply within CDC.

1. Employees and other covered individuals will be appointed or assigned in a manner that assures that one relative does not directly supervise (i.e. is the first-level supervisor of) another relative.
2. A relative of a supervisor may be appointed or selected by a subordinate supervisor if the senior supervisor is not involved in the action and the subordinate supervisor has full and continuing appointing or selecting authority. When a relative of a supervisor is employed by a subordinate supervisor, the senior supervisor may have no involvement (written or oral ) in any discretionary personnel action affecting his/her relative.

3

If a circumstance arises that results in a direct supervisory relationship between relatives, (e.g., marriage, reduction-in-force, reorganization, priority placement) one of the relatives must be reassigned to an appropriate vacancy. During the period that a direct supervisory relationship exists between relatives, the supervisory relative will not be involved in any personnel action involving his/her relative. Typical first-level supervisory responsibilities will be referred to the next higher level in the supervisory chain.

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4. Employees of HRMO and the Equal Opportunity Office may not be involved in discretionary personnel actions involving a relative. They may however, provide services to organizations in which one or more of their relatives are employed.

5

An employee may not participate in a rating panel in which a relative is a candidate.

#### D. Responsibilities

1

Managers and supervisors are responsible for ensuring that their supervisory chain and HRMO are promptly notified of any relationship which is contrary to this policy.

2. The Director, HRMO and staff are responsible for providing advice to managers and supervisors regarding possible solutions to relationships which violate this policy.