

UNITED STATES DEPARTMENT OF AGRICULTURE  
Washington, DC 20250  
Agricultural Cooperative Service  
Agricultural Marketing Service  
Federal Grain Inspection Service  
Office of Transportation

FGIS Directive 4310.1, Rev. I

EMPLOYMENT OF RELATIVES

I PURPOSE

This Instruction:

A Provides information on employment of relatives in the Agricultural Marketing Service (AMS), the Packers and Stockyards Administration (P&SA), the Federal Grain Inspection Service (FGIS), the Office of Transportation (OT), and the Agricultural Cooperative Service (ACS).

B Sets forth restrictions on employment of relatives.

C Provides information on summer and student employment of sons and daughters of agency personnel.

II DEFINITIONS

For purposes of this Instruction:

A Public official means any employee who has been delegated authority to take or recommend action to appoint, employ, promote, or advance a person in or to a position in the Agency. All supervisors are public officials, as well as other employees who meet this definition (e.g., personnel officer or placement officer who has been delegated authority to appoint or promote or to recommend appointment or promotion of an employee).

B Relative means a person related to a public official by blood or marriage (i.e., 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).

C Jurisdiction or control means to exercise direct control over some or all of the operations of the Agency.

D Chain of command means the line of supervisory personnel that runs from a public official to the Administrator (Director in OT).

E Summer employment means any employment beginning after May 12 which will end before October 1 of the same year.

F Student employment means the employment of persons who are enrolled or who have been accepted for enrollment, on a substantially full-time basis, as resident students of a secondary school or of an institution of higher learning.

III RESTRICTIONS ON EMPLOYMENT OF RELATIVES

A Advocacy.

1 Basic Restriction. A public official shall not advocate the appointment, employment, promotion, or advancement of a relative anywhere in the Agency or in an agency over which he/she exercises jurisdiction or control.

2 Referral for Consideration. A public official shall not advocate the appointment, employment, promotion, or advancement of a relative by:

a Formal recommendation (e.g., signing Form SF-52, Request for Personnel Action); or

b Informal recommendation (e.g., oral referral of a relative to another public official in the Agency).

3 Employment Inquiries. A public official may reply to a written or oral employment inquiry about the qualifications and suitability of a relative who has applied for employment in the agency of the public official, provided the official refrains from advocating employment of the relative (e.g., responding in the affirmative to a question on future employment).

B Personnel Actions.

1 Basic Restriction. A public official shall not appoint, employ, promote or advance a relative, or a relative of a public official of the Department who advocates the action.

2 Employment of Subordinates. The relative of a public official may be employed by a subordinate of the official provided the official is not involved in the action.

3 Specific Restrictions.

a A supervisory position classification specialist, who is a public official in this context, should disqualify himself/herself when determining the position of a relative is classified at a higher level.

b A public official may not promote a relative whose position is reclassified at a higher grade if the action is discretionary with the public official.

c A relative of a public official may not be promoted if the public official was a member of the promotion panel and helped in the decision affecting the promotion of the relative.

IV EXCEPTIONS

A Permissible Appointment Actions. Appointment in the competitive service of a relative of a public official is permissible in the following situations:

1 Veteran's Preference. Appointment of a public official's relative who has veteran's preference is permissible when the action is in accordance with Office of Personnel Management regulations that:

a The name of the relative is within reach for selection from an appropriate certificate of eligibles; and

b An alternative selection cannot be made from a certificate without passing over the preference eligible and selecting an individual who is not a preference eligible.

2 Displaced Employee Program.  
The employment of a relative eligible for placement assistance under the Displaced Employee Program is permissible.

3 Emergency Appointment. The appointment of a relative to meet an emergency which poses an immediate threat to life or property is permissible. Such appointments are limited to 30 days and may be extended an additional 30 days if conditions warrant.

B Limitation on Subsequent Promotion of Relative.  
If a relative of a public official is appointed under exceptions in paragraph A, above, the public official cannot later promote or advocate the promotion of the relative.

#### V SUPERVISOR-EMPLOYEE RELATIONSHIP

A Basic Restriction. No person shall be employed in a supervisor-employee relationship to his/her father, mother, son, daughter, brother, sister, husband, or wife. (A supervisor is an employee who occupies a position in the chain of command above the relative.)

B Exceptions. This Section does not prohibit employment of a person who qualifies under the exceptions identified in Section IV.

C Corrective Action. Any relationship of this type which occurs for any reason (such as reorganization or marriage) shall be eliminated by transfer or reassignment at the first reasonable opportunity.

#### VI SUMMER AND STUDENT EMPLOYMENT

A Summer Employment. When considering the appointment of a son or daughter of an agency employee, an agency must make selections on the basis of agency developed staffing plans, provided:

1 The opportunities for employment have been publicized for a minimum 2-week period;

2 There are no eligibles available with the same or higher rating under merit staffing plans for which the ranking criteria satisfy job-relatedness requirements (see FPM Supplement 271-2), or for which ranking is not appropriate and qualified candidates are considered on a strictly random basis; and

3 The appointment is permitted under the provisions of laws and regulations governing the employment of relatives.

B        Student Employment. An agency shall not appoint the son or daughter of an employee of that agency to a position for student employment.

C        Exceptions. A public official may appoint the son or daughter of an agency employee to a summer or student position without regard to the restrictions in paragraphs A and B, above, when the son or daughter is:

- 1            Eligible for placement assistance under the Displaced Employee Program;
- 2            Employed to meet urgent needs resulting from an emergency posing an immediate threat to life or property;
- 3            A member of a family which is eligible to receive financial assistance under a public welfare program or the total income of which in relation to family size does not exceed limits established by OPM and published in the Federal Personnel Manual;
- 4            Employed, with prior OPM approval, in an agency when an agency is the only significant employer in a remote location and an agency's employees and their family are the only significant: labor sources; or
- 5            Severely physically handicapped or mentally retarded. The handicap condition must be such that the youth will have traumatic difficulties related to worksite adjustment and transportation to and from the duty station. Such handicap will make it unlikely that he/she will be able to obtain suitable employment. No prior approval is required under this appointing authority.

## VII        SALARY PAYMENTS

A person appointed, employed, promoted, or advanced in violation of this Instruction is not entitled to salary payment and may not be paid from U.S.Treasury Funds.

/s/ Irving W. Thomas  
Deputy Administrator, Management