

Directive 320.2
9/2/94

EMPLOYMENT OF RELATIVES

- I. PURPOSE This Directive states the policy on employment of relatives in the Agricultural Marketing Service (AMS).
- II. REPLACEMENT HIGHLIGHTS This Directive replaces AMS Directive 320.2, dated 9/12/91. Changes are marked with asterisks.
- III. AUTHORITIES Title 5, United States Code, Chapter 3110; and Title 5, Code of Federal Regulations, Chapters 213 and 310.
- IV. COVERAGE This Directive applies to discretionary personnel actions relating to employment, promotion, and advancement of relatives in the competitive and excepted service. It does not apply to these actions when they are based on a statutory requirement.
- V. DEFINITIONS
- A. Personnel action - The appointment, employment, promotion, or advancement of an employee.
- B. Public official - Any manager, supervisor, or other individual who has authority to appoint, employ, promote, or advance employees either directly or by recommendation.
- C. Relative - 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).
- D. Student employment - Employment of persons who are currently enrolled or who have been accepted for enrollment, on a substantially full-time basis, as resident or nonresident students of a secondary school or an institution of higher learning.
- E. * - Summer employment - Any employment beginning after May 12 which will end before October 1 of the same year. - *
- VI. RESTRICTIONS
- A. A public official may not:
1. Recommend or refer a relative for consideration for appointment, employment, promotion, or advancement to any position in AMS. However, a relative may be employed by the subordinate of a public official provided the official is not involved in the action.
 2. Carry out personnel actions involving a relative if he/she has advocated the action (including the classification of the position).
 3. Participate in a promotion panel decision affecting a relative.

4. Employ a relative in a supervisor-employee relationship. Any relationship of this nature which does not meet the exceptions identified in Section VII. must be * - referred to the Employee Relations Branch, Personnel Division, for resolution. - *

B. Penalties:

1. An individual employed, promoted, or advanced in violation of 5 U.S.C. 3110 is not entitled to pay, and money may not be disbursed from the U.S. Treasury for such payment.

2. Public officials who violate regulations governing employment of relatives are subject to * - appropriate disciplinary action. - *

VII. The appointment of relatives is permitted in
EXCEPTIONS the competitive service under the following circumstances:

A. Veterans' Preference. The appointment of a relative who has veterans' preference may be made if:

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

2. 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.

B. * - Interagency Placement Program. The employment of a relative under the Office of Personnel Management's (OPM) Interagency Placement Program is permissible. - *

C. 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, but may be extended an additional 30 days if the emergency need still exists. NOTE: A public official cannot later promote or encourage the promotion of a relative who was appointed under the above provision. This provision applies only to the emergency appointment.

VIII. A. Summer Employment. Sons or daughters of USDA
SUMMER AND employees may be hired as summer employees when
STUDENT there are no other eligibles available with the
EMPLOYMENT same or a higher ranking under merit staffing plans for which the ranking criteria satisfy job-relatedness requirements, or for which ranking is not appropriate and qualified candidates are considered on a strictly random basis.

B. Student Employment. Sons or daughters of USDA employees shall not be appointed to positions for student employment except as provided in C., below.

C. Exceptions. A public official may appoint the son or daughter of a USDA employee to a summer or student position when the son or daughter is:

1. Eligible for placement assistance under the OPM's Interagency Placement Program;

2. Employed to meet an urgent need resulting from 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;
4. Employed where USDA is the only significant employer in a remote location and USDA employees and their families are the only significant labor source; or,
5. Severely physically or mentally impaired, when such appointments meet the criteria for Schedule A appointing authorities 213.3102(t) or 213.3102(u).

IX.
INQUIRIES

Questions regarding the employment of relatives should be directed to the Employment Policy Branch, Personnel Division.

L. P. Massaro
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