



# Washington Headquarters Services

## ADMINISTRATIVE INSTRUCTION

NUMBER 65  
January 26, 2007

WHS

SUBJECT: Restrictions on the Employment of Relatives

- References:
- (a) DoD Directive 5110.4, "Washington Headquarters Services (WHS)," October 19, 2001
  - (b) Administrative Instruction No. 65, "Restrictions on the Employment of Relatives," December 4, 1986 (hereby canceled)
  - (c) Section 3110 of title 5, United States Code
  - (d) Title 5, Code of Federal Regulations, Part 310, "Employment of Relatives," current edition

### 1. REISSUANCE AND PURPOSE

Under the authority of Reference (a), this Administrative Instruction (AI) reissues Reference (b), implements References (c) and (d), and updates policy and guidance on the employment of relatives.

### 2. APPLICABILITY

This AI applies to the Office of the Secretary of Defense, the Office of the Chairman of the Joint Chiefs of Staff, the Joint Staff, and all other activities assigned to Washington Headquarters Services (WHS) for administrative support (hereafter referred to collectively as "Department of Defense (DoD) Components").

### 3. DEFINITIONS

For the purposes of this AI, the following definitions apply.

3.1. Public Official. Consistent with References (c) and (d), an officer, employee, or member of the armed forces by law, rule, regulation, or delegation having appointment, employment, promotion, or advancement authority within the Department of Defense or authority to recommend employees for appointment, employment, promotion, or advancement within the Department of Defense. Determining that a person is eligible for appointment under applicable laws, regulations, or standards does not constitute a recommendation.

3.2. Relative. Consistent with Reference (c), includes 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. For purposes of this Instruction, the following definitions apply:

3.2.1. Aunt. Sister of a public official's father or mother.

3.2.2. Brother-in-Law. Brother of a public official's spouse or spouse of a public official's sister.

3.2.3. Nephew. Son of a public official's brother or sister.

3.2.4. Niece. Daughter of a public official's brother or sister.

3.2.5. Sister-in-Law. Sister of a public official's spouse or spouse of an official's brother.

3.2.6. Uncle. Brother of a public official's father or mother.

#### 4. POLICY

It is OSD policy that:

4.1. Related persons as defined in paragraph 3.2., military or civilian, living in the same or separate households, shall not be appointed or assigned to positions in the competitive or excepted service, or to expert and consultant positions, for the following:

4.1.1. The same organizational entity; e.g., Directorate, Office of the Deputy Under Secretary of Defense, Staff Office, or equivalent. DoD Components may request a waiver of this prohibition if the efficiency of the service shall be served by hiring a relative. The Director, Human Resources WHS, may grant such a waiver consistent with Reference (c).

4.1.2. A supervisor-employee relationship.

4.1.3. A position that would necessitate significant official contact or association.

4.2. A public official shall not advocate orally or in writing a relative's appointment, employment, promotion, or advancement in the official's Agency or in an Agency where the official exercises jurisdiction or control.

4.3. Public officials specifically are prohibited from referring a relative for consideration to a subordinate by transmitting an application of employment, by inquiring on the status of an

application, or by providing a letter of recommendation or introduction, or similar reference, to the Directorate for Human Resources.

4.4. A public official may reply to written or oral employment inquiries about the qualifications and suitability of a relative applying for employment in a DoD Component, if the official refrains from advocating employment of the relative. Verifying employment or suitability does not constitute advocacy, but an affirmative answer to the question "Would you recommend this person for appointment?" constitutes advocacy.

4.5. The relative of a public official may be employed by a subordinate of the public official if the public official is not involved in that action. When a person officially charged with approving personnel actions delegates this responsibility to a selecting official, one of his or her relatives may be appointed by a subordinate official only if there is full and continuing delegation of authority. If the action is taken in the name of the public official or the public official is required to review or approve the action, that action is still officially the public official's action and the employment restrictions apply.

4.6. A public official may employ relatives to meet urgent needs resulting from an emergency posing an immediate threat to life or property or a national emergency. Appointments under these conditions are temporary, not to exceed 1 month, but may be extended for a 2nd month if the emergency need still exists.

## 5. RESPONSIBILITIES

5.1. The Director, WHS, under the authority, direction and control of the Director, Administration and Management, may grant a waiver, consistent with Reference (c), for related persons working in the Human Resources Directorate (see paragraph 4.1.1.) if documentation establishes that such employment is in the best interest of the Directorate.

5.2 The Director, Human Resources, under the Director, WHS, may:

5.2.1. Grant a waiver, consistent with Reference (c), for related persons working in the same organizational entity (see paragraph 4.1.1.) if documentation from the DoD Component concerned establishes that such employment is in the best interest of the DoD Component.

5.2.2. Ensure the restrictions of this AI are enforced throughout the employment life-cycle.

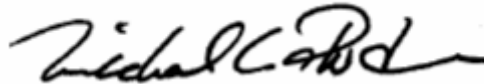
5.3. The Heads of DoD Components shall:

5.3.1. Comply with this AI when requesting personnel actions.

5.3.2. When there is adequate justification for a waiver to the policy in paragraph 4.1.1., send a written request to the Director, Human Resources, for final decision.

6. EFFECTIVE DATE

This AI is effective immediately.

A handwritten signature in black ink, appearing to read "Michael L. Rhodes". The signature is fluid and cursive, with a prominent initial "M" and "L".

Michael L. Rhodes  
Director