



Deputy Chief Management Officer
**ADMINISTRATIVE
INSTRUCTION**

NUMBER 65

August 8, 2014

Incorporating Change 1, April 14, 2017

HRD, WHS

SUBJECT: Restrictions on the Employment of Relatives

References: Enclosure 1

1. PURPOSE. This administrative instruction (AI):

a. Reissues AI 65 (Reference (a)) in accordance with the authority in DoD Directive 5110.04 (Reference (b)) to implement section 3110 of Title 5, United States Code (Reference (c)) and part 310 of Title 5, Code of Federal Regulations (Reference (d)).

b. Establishes policy and provides guidance on the employment of relatives.

2. APPLICABILITY. This AI applies to OSD, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Defense Agencies, and the DoD Field Activities that are serviced by Washington Headquarters Services (WHS) (referred to collectively in this AI as the “WHS-serviced Components”).

3. POLICY. In accordance with Reference (b), it is policy for the WHS-serviced Components that:

a. A public official (as defined in the Glossary of this AI) may not appoint, employ, promote, or assign to positions in the competitive or excepted service, volunteer service, or to expert and consultant positions, a relative (as defined in the Glossary of this AI), military or civilian, living in the same or separate households, when the public official and relative would be in:

(1) The same organizational entity (e.g., Directorate, Office of the Deputy Under Secretary of Defense, Staff Office, or equivalent). WHS-serviced Components may request a waiver of this prohibition in accordance with section 4 of this AI if the efficiency of the service will be served by hiring a relative.

(2) A supervisor-employee relationship.

(3) A position that would necessitate significant official contact or association.

b. A public official may not advocate orally or in writing for a relative's appointment, employment, promotion, or advancement in the public official's agency, or in an agency where the public official exercises jurisdiction or control.

4. RESPONSIBILITIES

a. Director, WHS. Under the authority, direction, and control of the Deputy Chief Management Officer through the Director of Administration, the Director, WHS, may grant a waiver, consistent with Reference (b), for related persons working in WHS-serviced Components (see paragraph 3a of this AI), if documentation establishes that such employment is in the best interest of the directorate.

b. Director, Human Resources Directorate (HRD), WHS. Under the authority, direction, and control of the Director, WHS, the Director, HRD:

(1) May grant a waiver, consistent with Reference (b), for related persons working in the same organizational entity outside of HRD (see paragraph 3a of this AI), if documentation from the WHS-serviced Component concerned establishes that such employment is in the best interest of the WHS-serviced Component.

(2) Will ensure the restrictions of this AI are enforced throughout the employment life cycle.

c. WHS-serviced Component Heads. The WHS-serviced Component heads:

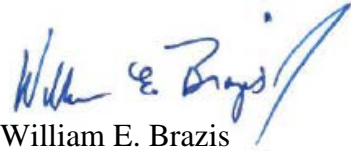
(1) Will comply with this AI when requesting personnel actions involving the relative of a public official.

(2) May submit a written waiver request, justifying the need for an exception to the policy in paragraph 3a of this AI, to the Director, HRD for a final decision.

5. RELEASEABILITY. **Cleared for public release.** This AI is available on the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

6. SUMMARY OF CHANGE 1. The changes to this issuance are administrative and update organizational titles and references for accuracy.

7. EFFECTIVE DATE. This AI: is effective August 8, 2014.

A handwritten signature in blue ink, reading "William E. Brazis". The signature is stylized and includes a large, sweeping flourish at the end.

William E. Brazis
Director
Washington Headquarters Services

Enclosures

1. References
2. Procedures

Glossary

ENCLOSURE 1

REFERENCES

- (a) Administrative Instruction 65, "Restrictions on the Employment of Relatives," January 26, 2007 (hereby cancelled)
- (b) DoD Directive 5110.04, "Washington Headquarters Services (WHS)," March 27, 2013
- (c) Title 5, United States Code
- (d) Title 5, Code of Federal Regulations

ENCLOSURE 2

PROCEDURES

1. Requests for waivers, as described in paragraph 3a above the signature, must be submitted through the WHS-serviced Component heads to the Director, HRD. Requests for waivers for employees in HRD must be submitted through the Director, HRD to the Director, WHS.
2. Requests for waivers may be submitted when the employment of a relative is in the best interest of the WHS-serviced Component.
3. The waiver must include:
 - a. The name of the person proposed for the position, his or her relation to the public official, the identity of the public official, and a detailed explanation as to why the employment of the relative to the public official is in the best interest of the agency.
 - b. A position description, resume, selection certificate, and coordination from the WHS General Counsel.
4. A public official may not refer a relative for consideration to a subordinate by:
 - a. Transmitting an application of employment;
 - b. Inquiring on the status of the application process to the (HRD), WHS; or
 - c. Providing a letter of recommendation or introduction.
5. 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 or WHS-serviced Component, if the public 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. Determining that a person is eligible for appointment under applicable laws, regulations, or standards does not constitute a recommendation.
6. The subordinate of a public official may employ a relative of a public official if the public official is not involved in the hiring action. The subordinate of a public official, who is officially charged with approving personnel actions and who has been delegated the hiring responsibility as the selecting official, may employ a relative of the public official as long as there is full and continuing delegation of hiring authority to the subordinate. If the action is taken in the name of the public official or the public official is required to review or approve the action, the action is still officially the public official's action and the employment restrictions apply.

7. In accordance with References (c) and (d), the Office of Personnel Management may prescribe regulations authorizing the temporary employment of the relative of a public official in order to meet urgent needs resulting from an emergency posing an immediate threat to life or property or national emergency. Such appointments will be temporary and may not exceed 30 days. The public official may extend such an appointment for one additional 30-day period if the emergency need still exists at the time of the extension.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

AI Administrative Instruction
HRD Human Resources Directorate
WHS Washington Headquarters Services

PART II. DEFINITIONS

These terms and their definitions are for the purposes of this AI.

public official. An officer, employee, or member of the Military Services by law, rule, regulation, or delegation who has appointment, employment, promotion, or advancement authority within the DoD or authority to recommend employees for appointment, employment, promotion, or advancement within the DoD.

relative. 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.