

CHAPTER 10

NEPOTISM AND FAVORITISM

10-1. STATUTORY RESTRICTIONS.

5 U.S.C. 3110 states, "A public official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement in or to a civilian position in the agency in which he is serving or over which he exercises jurisdiction or control, any individual who is a relative of the public official" "An individual appointed, employed, promoted, or advanced in violation of this section is not entitled to pay" The term "relative", as used in 5 U.S.C. 3110, means 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. The term "public official" means an officer, a member of the uniformed service, an employee, and any other individual, in who is vested the authority by law, rule, or regulation, or to whom authority has been delegated"

10-2. ADDITIONAL RESTRICTIONS.

Beyond the statutory restrictions with regard to employment of relatives, supervisors and managers (military and civilian) cannot, through the official discharge of their duties, show favoritism to any particular employee or group of employees. Further, AR 600-50, Chapter 1 states "DA personnel will avoid any action, whether or not specifically prohibited by this regulation, which might result in or reasonably be expected to create appearance of giving preferential treatment to any person or entity". Therefore, supervisory decisions related to personnel management must not only conform to legal and regulatory requirements, but must also avoid the appearance of favoritism, nepotism, or preferential treatment.