MILITARY DIVISION, STATE OF IDAHO
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C. L. "BUTCH" OTTER
GOVERNOR

THE ADJUTANT GENERAL
GARY L. SAYLER

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MEMORANDUM FOR All Supervisors, Commanders, Members and Employees of the Idaho Military Division, Idaho National Guard, Bureau of Homeland Security, and Public Safety Communications

SUBJECT: Policy Regarding Employment of Relatives (Nepotism); IDNG-28

1. This policy memorandum applies to all full-time employees and members of the Idaho Military Division, the Idaho National Guard, and related agencies, including Federal Technicians, State employees, and Active Guard Reserve (AGR) members.

2. The Idaho Military Division, the Idaho National Guard, and subordinate agencies hereby adopt and shall adhere to federal law and regulations pertaining to the employment of related persons, also known as nepotism. As stated in 5 U.S.C. 3110, a public official should not "*employ, promote, or advocate (orally or in writing) the employment, promotion, or advancement of his/her own relative(s) at their own place of employment or in other locations under the official's jurisdiction or control.*" On a basic level, nepotism involves favoritism or patronage granted to relatives by reason of blood, adoption, or marriage, especially in granting employment. Federal law and regulations not only prohibit nepotism, but even discourage personnel actions that create the appearance of a conflict of interest.

3. This policy extends federal laws and regulations pertaining to nepotism (*See* 5 Code of Federal Regulations, § 310, *Employment of Relatives*,) to all Idaho Military Division and National Guard personnel actions. IMD and IDNG supervisors and hiring officials shall comply with both the letter and the spirit of these federal anti-nepotism provisions. This prohibition also includes the review and approval of performance appraisals, within-grade increases, incentive awards, classification actions, and adverse or disciplinary actions. The IMD and IDNG will not hire or assign individuals to positions where another family member will or may hold a direct supervisory or command role over another family member, in the absence of another employee (i.e., at least one intervening level of supervision).

4. Under federal law and for this policy, the terms "relative" or "family member" shall refer to associations with individuals by blood, adoption, marriage and/or co-habitation and are defined as: spouse, fiancé, fiancée, mother, stepmother, mother-in-law, father, stepfather, father-in-law, guardian(s), sister, sister-in-law, half-sister, brother, brother-in law, half brother, ward(s),

daughter, step-daughter, daughter-in-law, son, son-in-law, step-son, aunt, uncle, niece, nephew, grandparent, grandchild, and co-habitant.

5. Under federal law and this policy, the term "public official" means an officer, a member of the uniformed services, an employee, and any other individual, in who is vested the authority by law, rule or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, or advancement.

6. The Adjutant General may prohibit any employment action involving relatives based on real or perceived conflicts of interest, interference with the orderly operation of an activity, or other reasons that might be disruptive to work. In circumstances where the work of the unit or its employees, or the safety and morale of the employees in the unit, or the fair and impartial supervision and evaluation of employees is demonstrably and adversely affected by a personal relationship, the affected employees may be accommodated by the assignment or reassignment of one or the other to the next reasonable available vacancy.

7. When necessary to meet urgent needs resulting from an emergency / immediate threat to life or property, or a national emergency, and as specifically authorized by the Adjutant General, relatives and family members may be employed without regard to nepotism considerations and prohibitions under this policy. Such "Special Needs Appointments" under this authority will temporary and cannot exceed one month, but may be extended in writing for a second month if the emergency persists.

8. Questions regarding this policy may be directed to Col Kevin Dawkins, Human Resource Officer, 272-4206 or DSN 422-4206. The point-of-contact for state employees is Mrs. Paula Edmiston, State Personnel Director at 272-4236.

GARY L. SAYLER
Major General
Commanding General