



IDAHO NATIONAL GUARD
JOINT FORCE HEADQUARTERS
HUMAN RESOURCE OFFICE
4794 GENERAL MANNING AVE, BLDG 442
BOISE, IDAHO 83705-8112



NGID-HRO

19 March 2025

MEMORANDUM FOR All Members and Employees of the Idaho Military Division

SUBJECT: HR Policy 026; Policy Regarding Employment of Relatives (Nepotism)

1. References.

- a. 5 CFR Part 310, 13 February 2025, *Employment of Relatives*
- b. 25 CFR Part 700.535, 13 February 2025, *Nepotism*
- c. 5 U.S.C. § 2302(a)(b)(7), 29 October 1994, *Prohibited personnel practices*
- d. 5 U.S.C. § 3110, 13 October 1978, *Employment of relatives; restrictions*
- e. DoD Directive 5500.07, 15 May 2024, *Ethics and Standards of Conduct*
- e. Idaho Code §18-1351, 2010, *Bribery and Corrupt Practices - Definitions*
- f. Idaho Code §18-1359, 2016, *Using Public Position for Personal Gain*

2. PURPOSE. To establish a policy prohibiting the hiring and or re-assignment of personnel who are related to one another where one party will hold a direct supervisory or command role over another family member. This policy replaces IDNG-28.

3. 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 reference d, "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 may not be appointed, employed, promoted, or advanced in or to a civilian position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual." 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.

4. This policy extends federal laws and regulations pertaining to nepotism 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

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and IDNG will not hire nor 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).

(1) As stated in reference d, “relative” means, with respect to a public official, an individual who is related to the public official as 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.”

(2) As stated in reference d, ““public official” means a member of the uniformed service, an employee and any other individual, in whom 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 in connection with employment in an agency.”

5. 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.

6. Per reference a, 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 be temporary and cannot exceed one month but may be extended in writing for a second month if the emergency persists.

7. POC – Federal Employees: Director HRO, (208) 272-3333; State Employees: State Personnel Director: (208) 801-4270.

FOR THE ADJUTANT GENERAL

JAMES W. HICKS
COL, GS, IDNG
Director, Human Resource Office

OFFICIAL:
HICKS
Director HRO

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