

**UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC**

<h1 style="margin: 0;">FSIS DIRECTIVE</h1>	4310.2 REVISION 1	7/16/07
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EMPLOYMENT OF RELATIVES

I. PURPOSE

This directive establishes FSIS policy on employment of relatives.

II. CANCELLATION

This directive cancels FSIS Directive 4310.2, dated 4/29/03.

III. (RESERVED)

IV. REFERENCES

5 U.S. Code 2302(b), Prohibited Personnel Practices
18 U.S. Code 208(a), Acts Affecting a Personal Financial Interest
5 CFR 310, Employment of Relatives
5 CFR 2635.501 and 2635.502, Impartiality in Performing Official Duties
FSIS Directive 4300.3, Career Transition Assistance Program

V. POLICY

FSIS complies with Federal laws and regulations on employing relatives and others meeting the definition of a household member for avoiding conflicting financial interests. FSIS redefines existing regulations to prevent violating these laws and regulations.

VI. COVERAGE

This directive covers all employment including:

- A. Competitive and excepted employment.
- B. Employment under formal and short-term employment procedures.
- C. Summer employment.

DISTRIBUTION:
All Employees

OPI:
OM – Office of the Assistant Administrator

- D. Appointments without compensation.
- E. Volunteer services.

VII. **DEFINITIONS**

A. **Advocacy.** Any action that promotes, defends, endorses, supports, pleads the cause, or shows interest in another person.

B. **Affected Employees.** These are FSIS employees with delegated authority to take or recommend action to appoint, employ, evaluate, promote, advance, or assign work to a person or position in the Agency. They typically include supervisors, managers, team leaders, persons with supervisory responsibilities, and many human resources specialists (including individuals who are “acting” in those positions).

C. **Chain of Command.** Line of supervisory or management personnel that runs from the employee to the Administrator, including officials with a title of Assistant, Deputy or Associate, and persons who routinely act in the absence of their immediate supervisor.

D. **Jurisdiction.** Direct or indirect control over all or some of the Agency’s operation.

E. **Preference Eligible.** Person entitled to veteran’s preference in Federal hiring.

F. **Relative.** Person defined in 18 U.S. Code 208(a), and 5 CFR 310, as a father, mother, brother, sister, son, daughter, 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 following also applies for:

1. Regulations from the Office of Government Ethics (5 CFR 2635.502) state an employee should not participate in a matter having a direct and predictable effect on the financial interest of a member of their household, unless they received authorization from the FSIS Ethics Office, to proceed under guidelines in 5 CFR 2635.502(d).

2. Employment action involving an employee and a member of their household who is not a relative, as defined in 18 U.S. Code 208(a), is subject to a review and determination by the FSIS Ethics Officer, with respect to any direct and predictable effect the action might have on the financial interests of the individuals involved.

VIII. **EMPLOYMENT RESTRICTIONS**

- A. Affected employees may not:

1. Advocate (recommend orally or in writing) a relative's appointment, employment, promotion, or advancement, where the employee exercises jurisdiction, influence, or control. Advocacy includes any action that reveals an interest in securing or facilitating a person's consideration for appointment, employment, promotion, or advancement, in referring the relative for consideration, or in transmitting applications.

2. Appoint, employ, promote, or advance a relative of an affected employee if the employee advocates the action. (Subparagraph VII.B. defines "affected employees".)

B. The restrictions in subparagraph A. do not apply under the following circumstances:

1. Appointment of a relative who is a preference eligible if both subparagraphs a. and b. below are true:

a. The relative is eligible for selection based upon ranking on an appropriate certificate of eligible candidates.

b. The appointing official cannot make another selection from the certificate without passing over an eligible veteran and selecting a person who is not entitled to such preference.

2. Employment of a person who has special selection priority under Career Transition Assistance Plan regulations. Under this authority, eligible surplus or displaced employees must be selected over other candidates for vacancies in the Agency's local commuting area for which they applied and were determined to be well-qualified. (See FSIS Directive 4300.3.)

3. Employment of a person to meet immediate threat to life or property.

4. Placement of an employee resulting from a reduction-in-force.

IX. **OTHER RESTRICTIONS**

The following restrictions apply to all FSIS employees. Avoiding impartiality in other employment actions, employees may not:

A. Be a panel member in deliberations affecting a relative or a member of their household, including, but not limited to:

1. Merit promotion panels.

2. Interview panels.

3. Recommendations or selections for training.

4. Recommendations or selections for awards.

B. Recommend or approve any administrative actions for a relative or a member of their household, including but not limited to:

1. Travel authorizations and vouchers.
2. Time and attendance reports.
3. Leave requests.
4. Performance appraisals.
5. Awards.
6. Personnel actions.

X. CORRECTIVE ACTION

A. Any employment situation not in conformance with the above policy must be corrected immediately.

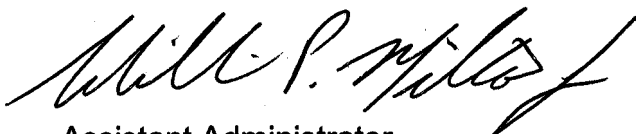
B. Corrective action regarding relationships covered by this policy requires that employees no longer have a chain of command relationship. To eliminate the chain of command relationship, the program area's Deputy Assistant Administrator or Assistant Administrator (or designee) will ensure one or more of the following steps:

1. Employee can secure another position (outside the chain of command). Until an employee can secure such a position, several interim measures must be taken. (**EXAMPLE:** An employee may be detailed to a position outside the chain of command or an employee can request a leave of absence.) The employment situation must be resolved up to 1 year by reassignment, transfer, or separation of either person.

2. If employees are not relatives as defined in 18 U.S. Code 208(a) but are members of the same household, the FSIS Ethics Officer, determines accordingly with 5 CFR 2635.502(d) whether the employment is appropriate for an exception under the regulation.

XI. ADDITIONAL INFORMATION

For additional information about exceptions or authorizations, contact the FSIS Ethics Office at: (202) 720-2683.



Assistant Administrator
Office of Management