

U.S DEPARTMENT OF ENERGY  
Office of the Chief Human Capital Officer  
Nepotism & Misuse of Position

**Background:**

It is not appropriate for a Federal employee to advocate to other Federal employees or contractors with regard to employment of a relative, including a child's summer internship. In addition, a federal employee should not contact any individual in his or her office or any other office of DOE with regard to vacancies for employment for the benefit of a relative, including, dropping off a resume, affirmatively soliciting a position for the relative, or engaging in any action that advances the interests of the relative.

**Regulatory Information:**

As stated in the Nepotism Statute at 5 U.S.C. 3110(b):

*"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."*

The Misuse of Position regulations at 5 CFR §2635.702 are designed to ensure that Federal employees remain impartial in the performance of their official duties. 5 C.F.R. §2635.702 states that:

*"[a]n employee shall not use his public office for his own private gain or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity, including nonprofit organizations of which the employee is an officer or member, and persons with whom the employee has or seeks employment or business relations."*

Therefore, a selecting official providing a benefit to a relative of a fellow DOE employee, at the urging of the DOE employee, is a violation of the Misuse of Position regulations by both the selecting official and the DOE relative. Misuse of position is subject to disciplinary action up to, and including, removal of the employee from Federal service! Furthermore, it is not appropriate for a Federal employee to advocate to other Federal employees or contractors with regard to employment of a relative, including a child or other relative for summer internships.

**A public official who violates these prohibitions may be subject to disciplinary action, including removal. If the relative is a minor child, a parent who participates in such activity is subject to the criminal provisions under title 18 of the United States Code. In accordance with 5 U.S.C. 3110 and 5 C.F.R. 2635.702, a DOE employee, who is a relative of an applicant, may not promote or advance that application, including dropping off a resume, affirmatively soliciting a position for the relative, or engaging in any action that advances the interest of the relative.**

**CERTIFICATION**

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**Announcement #**

**Certificate(s) #**

**Position Title**

**Parenthetical**

**Series**

**Grade**

**Servicing HR Specialist**

Having read the above information, I certify that I have reviewed the list of eligibles and reviewed the applications submitted. Based on this review, I have indicated whether the applicant has disclosed any relatives of DOE employees on the certificate.

\_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

**Selecting Official**

1. I have been advised by the HR office that the selectee(s) have been reviewed for relatives of DOE employees based on their answers to question 23 disclosing the relatives indicated by the applicants.
2. As the selecting official, I did not misuse my Federal position to advocate or advance the appointment, employment, promotion, or advancement of a relative; and
3. As the selecting official, I was not approached or influenced by a DOE employee to hire a relative of that employee or to otherwise misuse my position as part of the selection process.

\_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*