

U.S. Office of Special Counsel (OSC) Information Sheet



Nepotism – 5 U.S.C. § 2302(b)(7)

PURPOSE

This information sheet provides general guidance and background information on **5 U.S.C. § 2302(b)(7)**. This document does not serve as legal advice and should not be cited as legal authority. Rather, the statute and current case law control with respect to matters discussed here.

WHAT IS (b)(7)?

Section 2302(b)(7) prohibits appointing, employing, promoting, advancing or advocating for the appointment, employment, promotion, or advancement of a relative.

“Relative” is defined by law 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. 5 U.S.C. § 3110.

WHAT IS PROHIBITED?

Examples of section 2302(b)(7) violations include:

- A supervisor informs a subordinate that their son-in law, a hardworking individual, will be interviewing for an open position and that the subordinate should seriously consider hiring the son-in-law.
- A hiring official serves on the interview panel for a position where their nephew is one of the candidates. The hiring official does not disclose the familial relationship nor recuse themselves from the decision-making process.
- A supervisor selects their cousin for a prestigious detail.
- A senior manager supervises their sibling’s performance in the workplace. The sibling is given lenient evaluations and special treatment not afforded to other employees.

TIPS AND RECOMMENDATIONS

1. Ensure that you are fully aware of your agency’s policies on nepotism, conflict of interest, and merit-based hiring.
2. It is okay to share open vacancy announcements with a relative. However, being involved in the hiring process, including serving as a reference or providing a recommendation is prohibited.
3. Relatives must recuse themselves from participating in hiring actions in which a relative is an applicant.
4. It is not prohibited for two covered relatives to work at the same agency or within the same work division. Exercise diligence in ensuring that no relative exercises personnel action authority over another.
5. Establish clear guidelines regarding family members or close relationships in the workplace. For example, define how these relationships should be disclosed and handled during recruitment, promotions, or assignments.

For more information on filing a complaint or making a disclosure: 202-804-7000, 800-872-9855 or submit a question at info@osc.gov. Please note that OSC may not provide advice regarding the merits of a complaint or whether the allegation meets the statutory definitions.

Updated and detailed information on OSC and its procedures can be found on OSC’s website at <https://osc.gov>.

For information about training and the 2302c Certification Program please contact OSC’s Outreach Unit via email at certification@osc.gov.