



**Tips and Tidbits
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Question: What are prohibited personnel practices and how may they be violated by a sponsor? To what extent may a sponsor inquire on the status of employment opportunities specific to their spouse/family member? May a sponsor serve as an advocate in behalf of his/her spouse or family member?

All too often, sponsors of family members (both military and civilian) either directly or indirectly become involved in employment problems/issues of their family members. This situation should rarely occur as such intrusions could constitute violation of the provisions of the Privacy Act and/or depending on the nature of involvement, could also be a violation of nepotism rules or even a prohibited personnel practice.

What are prohibited activities by sponsors in employment related matters of their family members? Sponsor intervention by questioning a member of the Civilian Personnel Advisory Center (CPAC) staff or a management official concerning a family member's resume/application, referral or selection for any job; questioning qualifications or disagreeing with qualification determinations; and, inquiring about the status of a resume/application are a few examples. The processes by which resumes/applications are received, rated, and referred are all covered by the Privacy Act. The CPAC staff is prohibited by law from divulging covered information about an individual even when that individual is the family member of the inquirer. Accordingly, sponsors must allow the "system" to operate under the principles that permit it to work fairly. Applying influence and pressure to get CPAC staff to accommodate a specific request regarding an individual is not appropriate, and may, depending on the circumstances, be either illegal or constitute an unwarranted interference. Involvement by a sponsor could also jeopardize the government's position in any hearing, appeal, or court case involving the family member. All other considerations aside, it is just not good business.

Outlined via prohibited personnel practices (attached) in the 1978 Civil Service Reform Act, Congress recognized and codified certain behavior as counter to the merit system on which our Federal civil service is founded. Prohibited personnel practices are those things a Federal employee with personnel authority* may not do. They apply to all levels of management, both military and civilian, whether in duty status or not, of all components in every Command. Transgressors violate Federal statute and are subject to a wide range of penalties. Not only are such practices not in the best interest of the nation, they are prejudicial to discipline and good order.

Federal employees, civilian and military, are public officials of the Government and as such, should avoid even the appearance of using their position to further advance

employment opportunities for their spouse. Section 3110 of 5 USC reads “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 appointed, employed, promoted, or advanced in violation of this section is **not** entitled to pay...” The term of relative, as used in this section, means, father, mother, son, daughter, 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. The term public official as used in Section 3110 means an officer (including the President and Members of Congress), a member of the uniformed service, an employee and any other individual supervisors, operating officers, and management officials (military and civilian).

Sponsors may make general inquiries about job opportunities for their spouse or child and/or even file/hand carry a (NAF) application in behalf of a family member; however, sponsors should refrain from behavior that is counter to the merit system on which our Federal civil service is founded. Also, when required, family members may choose an individual, which could include their sponsor, to represent them in a specific employment dispute with Management or the CPAC; however, such designations must be in writing. Management or CPAC discussions with a sponsor or anyone else who does not have a need to know or who is not the designated representative could constitute an invasion of privacy.

For additional information please contact your servicing HR Specialist.

*Personnel authority is the authority to take, direct others to take, recommend, or approve any personnel action.

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Prohibited Personnel Practices

Discriminate for or against any employee or applicant for employment

Solicit or consider any recommendations or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action except if material is solely a required evaluation of the person's work performance, ability, aptitude or general qualifications or of character, loyalty, and suitability.

Coerce the political activity of any person (including the providing of any contributions or service), or take any action against any employee or applicant for employment as reprisal for refusal to engage in such political activity.

Deceive or willfully obstruct any person with respect to such person's right to compete for employment.

Influence any person to withdraw from competition for any position for the purpose of improving or injuring the prospects of any other person for employment.

Grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment for the purpose of improving or injuring the prospects of any particular person for employment.

Appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position any individual who is a relative if the person is in the agency in which the official serves or over which he/she exercises jurisdiction or control.

Take or fail to take, or threaten to take or fail to take personnel action with respect to any employee or applicant for employment for disclosure of information about violation of law or rules, gross mismanagement, waste of funds, and abuse of authority.

Discriminate for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or performance of other.

Take or fail to take any other personnel action if the taking or failure to take such action violates any law, rule or regulation implementing or directly concerning the merit system principles.