

Employment of Relatives

Scope and coverage

This policy applies to all employees who work in the district court clerk's office, the shared services department, the probation office, and the pretrial services office.

Resources

The Guide, Volume 12, §540, Employment of Relatives.
The Code of Conduct for Judicial Employees.

Policy

Title 28 U.S.C. § 458 states: "No person shall be appointed to or employed in any office or duty in any court who is related by affinity or consanguinity with the degree of first cousin to any justice or judge of such court." Further, 5 U.S.C. § 3110 states, in part, that a public official may not appoint, or advocate for appointment or employment to a position over which he exercises jurisdiction or control, certain individuals who are relatives by blood or marriage of that public official.

In keeping with the philosophy of the Code of Conduct for Judicial Employees, Canon 3, Section F, the district court clerk's office, the shared services department, the probation office, and the pretrial services office have adopted the policy that "close relatives"¹ of any person currently employed by the court may not be appointed to any permanent or temporary full-time position in any of these offices.

If marriage creates a relationship between employees defined as "close relatives," one of the employees involved may be required to resign or be reassigned, if necessary, at the discretion of the CUE.

Student interns or volunteers are exempt from this policy.

Revision control log

Date	Comments	By
04/20/09	Added changes pursuant to March 27, 2009,	

¹"Close relative" is defined as father, mother, brother, sister, son, daughter, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepbrother, stepsister, stepson, stepdaughter, half brother or half sister.

Date	Comments	By
	AO Memo regarding HR actions taken by Judicial Conference at its March 17, 2009, session.	
04/20/09	Minor formatting and editing to improve readability and consistency.	GA
08/18/09	Revised policy approved (original approval date unknown).	DMT
04/22/10	Added provision that relatives of court employees will not be hired.	DMT