

## Employment of Relatives Policy

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### Scope and coverage

The information in the “Local policy” subsection below applies to all employees who work in the district court clerk’s office, the shared services department, and the probation and pretrial services office.

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### Resources

[Guide to Judiciary Policy \(Guide\), Vol. 12, Ch. 5, § 540](#) (Employment of Relatives).

[Guide, Vol. 2, Part A, Ch. 3, § 320](#) (“A judicial employee should not engage in nepotism prohibited by law.”).

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### Statutory authority governing employment of relatives

[28 U.S.C. § 458\(a\)\(1\)](#) (stating no one may be “appointed to or employed in any office or duty in any court who is related by affinity or consanguinity within the degree of first cousin to any justice or judge of such court”).

[5 U.S.C. § 3110\(a\)-\(c\)](#) (stating a public official may not appoint, employ, promote, advance, or advocate for such actions in or to a civilian position in the agency in which he or she is serving any individual who is a relative of the public official).

For more information, see the [Guide, Vol. 12, Ch. 5, § 540.30](#) (Restrictions Regarding Relatives of Judges and Employees).

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### Local policy

In keeping with the spirit of the relevant authorities governing employment of relatives, the district court clerk’s office, the shared services department, and the probation and pretrial services office have adopted the policy that “close relatives”<sup>1</sup> of any person currently employed in any of these offices may not be appointed to any permanent or temporary 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 court unit executive.

Student interns or volunteers are exempt from this local policy.<sup>2</sup>

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<sup>1</sup> “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.

<sup>2</sup> While exempt from the local aspects of this policy, student interns and volunteers remain subject to the limitation on the employment of certain relatives set forth in [28 U.S.C. § 458\(a\)\(1\)](#) and [5 U.S.C. § 3110\(a\)-\(c\)](#). See [Guide, Vol. 12, Ch. 5, § 550.35\(c\)](#).

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**Revision control log**

<b>Date</b>	<b>Comments</b>	<b>By</b>
04/20/09	Added changes pursuant to AO Memo dated 3/27/2009	
12/28/12	Policy converted to Word	SEC
02/02/15	Change scope of coverage to reflect the merge of the probation and pretrial agencies.	SMG
03/20/18	Updated citations and added hyperlinks. Separated local policy into a separate subsection, and made the following substantive change to local policy: “. . . the district court clerk’s office, the shared services department, and the probation and pretrial services office have adopted the policy that “close relatives” of any person currently employed <b>in any of these offices by the court</b> may not be appointed to any permanent or temporary full-time position in any of these offices.” Added footnote 2 to clarify that, while exempt from local policy, volunteers and interns remain subject to statutory restrictions.	GA SMG