

**Nepotism Prohibited**  
**AAM 100.050**  
**Frequently Asked Questions**

**1. Who is covered by the nepotism/ethics policy?**

This policy applies to all State of Alaska classified and partially exempt employees within the Executive branch. Portions of this policy also apply to exempt employees within the Executive branch.

**2. What is the authority for this policy?**

This policy was developed under the authority of AS 39.90.020, Nepotism prohibited, and AS 39.52.120 and AS 39.52.150, Executive Branch Ethics Act.

**3. What is the definition of “second degree of kindred”?**

“Second degree of kindred” is defined as father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson, or granddaughter, in a full, half, or step relationship.

**4. What is the definition of “immediate family member”?**

AS 39.52.960(11) defines “immediate family member” as:  
the spouse of the person;  
another person cohabiting with the person in a conjugal relationship that is not a legal marriage;  
a child, including a stepchild and an adoptive child, of the person;  
a parent, sibling, grandparent, aunt, or uncle of the person; and  
a parent or sibling of the person’s spouse.

**5. What is the definition of “employment relationship”?**

“Employment relationship” is defined as any work-related relationship where one individual has the authority to approve or effectively recommend actions that will impact the other employee’s wages, hours, terms or conditions of employment. Examples include, but are not limited to, assigning shifts, authorizing overtime, approving leave, evaluating performance, approving or recommending a transfer, promotion or demotion, or authorizing or recommending disciplinary action.

**6. The definitions of “immediate family member” and “second degree of kindred” differ. How are these to be applied?**

The Executive Branch Ethics Act prohibits employees from being in an employment relationship with an immediate family member, including a conjugal relationship that is not a legal marriage.

The statute and regulation pertaining to nepotism also prohibit the appointment of certain individuals. The regulation does allow for a waiver if there is not a direct supervisory relationship.

The chart below indicates by type of service (classified, partially exempt, exempt) and family relationship when an employment or direct supervisory relationship is prohibited.

	Applies To:		
	Partially Exempt, Classified and Exempt		Partially Exempt & Classified
	Nepotism Statute	Ethics Act	Personnel Rules
Family Relationship	AS 39.90.020	39.52.960(11)	2 AAC 07.999 2 AAC 07.950
Spouse	X	X	X
Biological Child	X	X	X
Adoptive Child		X	
Step Child		X	X
Parent	X	X	X
Step Parent			X
Parent-in-law		X	X
Sibling	X	X	X
Half Sibling	X		X
Step Sibling			X
Sibling of Spouse		X	X
Grandparent	X	X	X
Step Grandparent			X
Grandparent-in-law			X
Aunt or Uncle		X	
Step Aunt or Uncle			
Aunt or Uncle-in- law			
Cousin			
Conjugal Relationship		X	
Grandchild	X		X
Step Grandchild			X

**7. The policy indicates classified and partially exempt employees must also abide by the terms of 2 AAC 07.950. What are these terms?**

This regulation prohibits an individual from being employed in a department or agency if that person is the spouse of, or is related by blood or marriage, within and including the second degree of kindred, to:

- the principal executive officer of the department or agency, to the principal executive officer's deputy or to an assistant principal executive officer;
- the director, a deputy director or to an assistant director of the division within the department or agency in which the position reports; and
- a person who would be in a direct supervisory relationship.

This regulation also prohibits the appointment of an individual if that individual is related to an employee in the department or agency unless the Commissioner of the employing department/agency or his or her designee approves a waiver.

#### **8. Which portions of this policy do not apply to exempt employees?**

The terms of 2 AAC 07.950 do not apply to exempt employees. Although under the policy the disclosure of immediate family members is required, an individual may be appointed without approval of a nepotism waiver as long as the individual will not be employed in an agency in which they are the spouse of or related by blood within and including the second degree of kindred to the executive head of an operating agency or in an employment relationship with an immediate family member.

#### **9. How will I know if the individual I want to appoint is related to a current employee of the department or agency?**

At the time of interview, hiring managers are required to have all applicants complete the *Applicant Certification* form located at:

[http://dop.state.ak.us/fileadmin/Human\\_Resource\\_Services/pdf/ApplicantCertification.pdf](http://dop.state.ak.us/fileadmin/Human_Resource_Services/pdf/ApplicantCertification.pdf). On this form the applicant is asked to identify all relatives currently working for the department.

#### **10. How is a waiver requested under 2 AAC 07.950?**

To request a waiver, a *Declaration of Familial Relationships and Nepotism Waiver* form must be completed and approved prior to a job offer being made. Only the Commissioner or head of the employing agency or his or her assigned designee is authorized to approve a waiver. Under no circumstances will a waiver be approved that would place an employee in an employment or direct supervisory relationship to an immediate family member or a person related by blood or marriage within and including the second degree of kindred. The *Declaration of Familial Relationships and Nepotism Waiver* form is available at:

<http://dop.state.ak.us/docpool/pdf/stdforms/NepotismWaiver.pdf>.

It is important to keep in mind that the approval of a waiver may in the future limit the ability to promote, transfer, etc., either or both of the individuals.

**11. Can a waiver be requested under the Executive Branch Ethics Act?**

No. The state Ethics Act provides for prohibited employment relationships and can not be waived under the provisions of the statute.

**12. Can a letter of agreement with the appropriate bargaining unit representative be signed to allow for an employment or direct supervisory relationship with an immediate family member or a person related by blood or marriage within and including the second degree of kindred?**

No. Neither the Executive Branch Ethics Act or the Personnel Regulations are subject to modification through collective bargaining.

**13. When is a *Declaration of Familial Relationships and Nepotism Waiver* required?**

For a classified or partially exempt employee, A *Declaration of Familial Relationships and Nepotism Waiver* must be completed and approved prior to making a job offer to an individual who is an immediate family member of or related by blood or marriage within and including the second degree of kindred to a current employee of the department or agency.

For an exempt employee, part A and C of the *Declaration of Familial Relationships and Nepotism Waiver* must be completed upon appointment.

**14. If while employed, circumstances change and employees find themselves in an employment relationship with an immediate family member what should they do? Will either party's employment be terminated?**

Both parties should immediately disclose their relationship to their department or to their Division of Personnel Management Services Consultant.

The circumstances of each situation will be reviewed on a case by case basis to see if a possible resolution can be made. Possible resolutions may include:

- transferring one of the employees to another position; or
- reassigning supervision of the subordinate employee.

Every reasonable effort will be made to remedy the situation before termination is considered.

**15. Can an employee who is designated as an approving officer authorize a purchase, travel or other expenditure for an immediate family member or an**

**individual related by blood or marriage within and including the second degree of kindred?**

Although not specifically prohibited by statute or regulation, this would not be a good business practice. Another agency appointing authority should review and if appropriate approve the expenditure.