



U.S. Department of Justice
Federal Bureau of Prisons

PROGRAM STATEMENT

OPI HRD/PDB

NUMBER 3310.02

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Relative Disclosure Process

/s/

Approved: Thomas R. Kane
Acting Director, Federal Bureau of Prisons

1. PURPOSE AND SCOPE

To prescribe responsibilities and procedures to prevent improper hiring of relatives of Department of Justice (DOJ)-Bureau of Prisons (BOP) employees or any other covered individual, and to safeguard against inappropriate advocacy for applicants for new accessions, competitive reassignments, competitive promotions, and competitive conversions. These procedures will assist in ensuring compliance with merit systems principles and help guard against prohibited personnel practices.

a. **Program Objectives.** The expected results of this program are:

Staff will be aware of the requirements and procedures that prevent improper hiring of relatives or inappropriate advocacy for applicants.

b. **Summary of Changes**

Policy Rescinded

P3310.01 Relative Disclosure Process (5/17/16)

Added: If a designee completes the Selecting Official/Requesting Official Acknowledgement and Disclosure Form (BP-A1098, Attachment B) on behalf of the Selecting Official, the designee must contact the Selecting Official and annotate on the form that the Selecting Official is or is not aware if the selectee(s) for a position is related to a current DOJ employee or other covered individual.

c. **Institution Supplement.** None required. Should local facilities make any changes outside the required changes in the national policy or establish any additional local procedures to implement the national policy, the local Union may invoke to negotiate procedures or appropriate arrangements.

2. DEFINITIONS

Relative includes a DOJ employee who is an applicant's or employee's spouse, parent, guardian, grandparent, sister/brother (including step-/half relationships), child/grandchild (including biological, adopted, foster, or stepchild, legal ward, or child for whom the employee stands *in loco parentis*), in-law, aunt, uncle, nephew, niece, or first cousin.

Other Covered Individual includes a domestic partner, a more distant relative not included above with whom the applicant/employee has a close personal relationship, or anyone currently residing in the employee's or applicant's household, even temporarily.

3. PROCEDURES

Employees/applicants to include Public Health Service officers assigned to the BOP must disclose knowledge of relatives and other covered individuals working in DOJ by completing the attached Applicant/Employee Disclosure Form [BP-A1097, Attachment A].

Selecting Officials must disclose on the attached Selecting Official/Requesting Official Acknowledgement and Disclosure Form [BP-A1098, Attachment B] if they are or are not aware that any selectee for a position is related to a current DOJ employee or other covered individual, and if so, certify that such person had no influence on the hiring decision. Senior Reviewing Officials (SRO) review the applicant/employee and selecting official's disclosure forms to ensure the disclosure forms are properly completed in a timely manner, forms revealing inconsistencies or evidence of advocacy or communication by a relative are reconciled, and that the selection was made in compliance with Merit Systems Principles.

The SRO designee must not be the same individual as the selecting official.

For external hires, the tentative selectee will be informed by the HRM that the selection is not final until the completion of the relative disclosure process and the pre-employment screening process. For merit promotion selections, the tentative selectee will be informed by the HRM that the selection is not final until the completion of the relative disclosure process.

a. **Institution Procedures.** For positions which the Warden/Complex Warden has selection authority, the Human Resource Manager (HRM) sends the Applicant/Employee Disclosure Form to the tentative selectee along with the conditional offer of employment letter (if external hire).

Simultaneously, the HRM sends the Selecting Official/Requesting Official Acknowledgement and Disclosure Form to the Warden or designee. The selecting official shall not see the Applicant/Employee Disclosure Form. The selecting official who completes the form must be the same individual who signs the conditional offer letter (if external hire).

For complexes, prior to a final offer/selection being made, the HRM sends both completed forms to the Complex Warden or designee, who will serve as SRO.

The Complex Warden or designee returns the completed forms to the HRM.

For non-complex institutions, the HRM sends both completed forms to the regional human resource staff prior to a final offer/selection being made.

The regional human resource staff member gives both forms to the Deputy Regional Director or designee, who will serve as Senior Reviewing Official (SRO).

The regional human resource staff member returns the completed forms to the HRM. For external hiring, the HRM will make a bona fide offer of employment.

For merit promotion, local procedures will be followed for making notifications.

b. **Grand Prairie Procedures.** The HRM sends the Applicant/Employee Disclosure Form to the tentative selectee along with the conditional offer of employment letter (if external hire).

Simultaneously, the HRM sends the Selecting Official/Requesting Official Acknowledgement and Disclosure Form to the selecting official (i.e., Chief, Human Resource Services Center [HRSC] or designee for HRSC selections). The selecting official shall not see the applicant disclosure form. The selecting official who completes the form must be the same individual who signs the conditional offer letter (if external hire).

Prior to a final offer/selection being made, the HRM sends both completed forms to the Personnel Director or designee, who will serve as SRO for selections made by the Chief, HRSC. The Chief, HRSC or designee will serve as SRO for selections made by the Chief, Designations and Service Computation Center.

The Personnel Director/Chief HRSC reviews and signs the forms and returns them to the HRM. For external hiring, the HRM will make a bona fide offer of employment.

For merit promotion, local procedures will be followed for making notifications.

c. **Training Center Procedures.** The HRM sends the Applicant/Employee Disclosure Form to the tentative selectee along with the conditional offer of employment letter (if external hire).

Simultaneously, the HRM sends the Selecting Official/Requesting Official Acknowledgement and Disclosure Form to the selecting official (Director, National Corrections Academy, or Director, STA Glynco). The selecting official shall not see the applicant form. The selecting official who completes the form must be the same individual who signs the conditional offer letter (if external hire).

The HRM sends both completed forms to the Chief, HRSC, or designee, who will serve as SRO prior to a bona fide offer being made.

The Chief, HRSC, or designee reviews and signs the forms and returns them to the HRM. For external hiring, the HRM will make a bona fide offer of employment.

For merit promotion, local procedures will be followed for making notifications.

d. **Regional Office Procedures.** The regional human resource staff sends the Applicant/Employee Disclosure Form to the tentative selectee along with the conditional offer of employment letter (if external hire).

Simultaneously, the regional human resource staff sends the Selecting Official/Requesting Official Acknowledgement and Disclosure Form to the selecting official. The selecting official shall not see the applicant form. The selecting official who completes the form must be the same individual who signs the conditional offer letter (if external hire).

Prior to a final offer/selection being made, the regional human resource staff sends both completed forms to the AD, HRMD or designee, who will serve as the SRO and who reviews/signs the forms and returns them to the regional human resource staff.

For external hiring, the regional human resource staff will make a bona fide offer of employment.

For merit promotion, local procedures will be followed for making notifications.

e. **Central Office Procedures.** The HRM sends the Applicant/Employee Disclosure Form to the tentative selectee along with the conditional offer of employment letter.

Simultaneously, the HRM sends the Selecting Official/Requesting Official Acknowledgement and Disclosure Form to the selecting official. The selecting official shall not see the applicant form. The selecting official who completes the form must be the same individual who signs the conditional offer letter.

Prior to a final offer/selection being made, the HRM will send both completed forms to the AD, HRMD or designee, who will serve as SRO (except in cases where the AD, HRMD, is the selecting official) and reviews/signs the forms and returns them to the HRM. When the AD, HRMD, is the selecting official, the Deputy Director or designee will serve as SRO.

For external hiring, the HRM will make a bona fide offer of employment.

For merit promotion, local procedures will be followed for making notifications.

f. **SES, Wardens, and Associate Wardens.** The AD, HRMD, or designee sends the Applicant/Employee Disclosure Form to the tentative selectee.

Simultaneously, the AD, HRMD, or designee sends the Selecting Official/Requesting Official Acknowledgement and Disclosure Form to the Director or designee. The Director or designee shall not see the applicant form.

Prior to a final selection being made, the AD, HRMD, sends both completed forms to the Deputy AD, HRMD, or designee, who will serve as the SRO and reviews/signs the forms and returns them to the Staffing and Employee Relations Section (non-SES Wardens and Associate Wardens) or the Workforce Planning Administrator (SES positions).

Upon return of the forms, the applicable AD/Regional Director will provide notification of selection to the selectee.

g. **Designees.** If a designee completes the Selecting Official/Requesting Official Acknowledgement and Disclosure Form (BP-A1098, Attachment B) on behalf of the Selecting Official, the designee must contact the Selecting Official and annotate on the form that the

Selecting Official is or is not aware if the selectee(s) for a position is related to a current DOJ employee or other covered individual.

4. RECORDKEEPING

Forms will be maintained with the applicable certificate file.

REFERENCES

Program Statements

None.

Other Policy

5 U.S.C. 2301(b)

5 U.S.C. 2302(b)

5 U.S.C. 3110(b)

U.S. Department of Justice, Attorney General Memorandum dated 9/16/14

BP Forms

BP-A1097 Applicant/Employee Disclosure Form (also Attachment A)

BP-A1098 Selecting Official/Requesting Official Acknowledgement and Disclosure Form
(also Attachment B).

ACA Standards (see Program Statement, Directives Management Manual, sections 2.5 and 10.3)

- American Correctional Association Standards for Adult Correctional Institutions, 4th Edition: 4-4048.
- American Correctional Association Performance Based Standards for Adult Local Detention Facilities, 4th Edition: 4-ALDF-7B-05.
- American Correctional Association Standards for Administration of Correctional Agencies, 2nd Edition: 2-CO-1C-01.
- American Correctional Association Standards for Correctional Training Academies: None.

Records Retention

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on Sallyport.

APPLICANT/EMPLOYEE DISCLOSURE FORM

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

APPLICANTS: *Thank you for your interest in the Department of Justice (DOJ). Having a relative already employed at DOJ does not affect our consideration of you for employment; however, the information requested below is necessary to help DOJ assure that all hiring decisions are free of inappropriate influence by relatives employed in the Department and otherwise are consistent with applicable laws and policies.*

EMPLOYEES: *You must submit this certification in connection with a personnel action by which you will move to a different position than the one you currently encumber.*

Merit System Principles set forth in Section 2301(b) of Title 5, U.S.C. provide guidance on federal personnel management. 5 U.S.C §§ 2302(b) and 3110(b) contain provisions identifying as a prohibited personnel practice engaging in nepotism (i.e., to appoint, employ, promote, or advance relatives; or advocate for the same) by public officials. It is also a prohibited personnel practice to grant a preference or advantage not authorized by law, rule, or regulation to an employee or applicant for the purpose of improving or injuring any individual's prospects for employment. Consistent with these laws and applicable ethics requirements, you are asked to identify relatives or other covered individuals (defined below) who work anywhere in the Department. For purposes of this form, the term "relative" includes a DOJ employee's or applicant's spouse, parent, guardian, grandparent, sister/brother (including step/half relationships), child/grandchild (including biological, adopted, foster, or step child, legal ward, or child for whom the employee/applicant stands *in loco parentis*), in-law, aunt, uncle, nephew, niece, or first cousin. "Other covered individuals" include a domestic partner, more distant relatives than those listed above with whom the employee/applicant has a close personal relationship, or anyone currently residing in the employee's/applicant's household, even temporarily.

- I do _____ / do not _____ have a relative or other covered individual who works for the Department. Relevant details are provided below and on an attached page if necessary.

Name	Relationship	DOJ/BOP Duty Station

SIGNATURE, CERTIFICATION, AND RELEASE OF INFORMATION

YOU MUST SIGN THIS DOCUMENT. Read the following carefully before you sign.

- A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment (U.S. Code, title 18, section 1001).
- I **certify** that, to the best of my knowledge and belief, all of my statements are true, correct, complete, and made in good faith.

Applicant/Employee Name (Please Print)	Date Signed (Month, day, year)
Applicant/Employee Signature	
Reviewing Official Signature	Date Signed (Month, day, year)

Please submit this form to _____

Privacy Act Notice: The information provided on this form is covered by and will be used and maintained in accordance with the Privacy Act of 1974, as amended.

**BOP SELECTING OFFICIAL ACKNOWLEDGMENT AND
DISCLOSURE FORM****U.S. DEPARTMENT OF JUSTICE****FEDERAL BUREAU OF PRISONS**

Selecting Official Name:	Applicant / Employee Name:
Organization/Component:	Position:

I am familiar with the Merit System Principles found in Section 2301(b) of title 5, U.S.C., which provide guidance on federal personnel management, including 5 U.S.C §§ 2302(b) and 3110(b), which contain provisions identifying nepotism as a prohibited personnel practice. Nepotism is engaging in action to appoint, employ, promote, or advance relatives, or advocate for any of these actions, by a public official.

I understand that:

- It is a prohibited personnel practice to grant a preference or advantage not authorized by law, rule, or regulation to an employee or applicant for the purpose of improving or injuring any individual's prospects for employment.
- The applicable ethics rules prohibit me from taking official action to affect my own financial interest, or misusing my official position to promote a private interest, for example, by recommending my domestic partner or a member of my household for a position at DOJ.
- For purposes of this form, the term "relative" includes a Department of Justice (DOJ) applicant's or employee's spouse, parent, guardian, grandparent, sister/brother (including step/half relationships), child/grandchild (including biological, adopted, foster, or step child, legal ward, or child for whom the employee stands in loco parentis), in-law, aunt, uncle, nephew, niece, or first cousin. "Other covered individual" includes a domestic partner, a more distant relative not included above with whom the employee has a close personal relationship, or anyone currently residing in the employee's or applicant's household, even temporarily.

I understand that before I select a candidate for employment with DOJ or other personnel action (transfer, reassignment, competitive promotion, or similar action), I must disclose on this form my knowledge of a relative or other covered individual of an employee of DOJ, by responding to each of the following:

1. I certify that to the best of my knowledge:

The individual I am selecting / requesting does not have a relative or other covered individual employed at DOJ;

_____(Initial Here)

OR

The individual I am selecting / requesting has a relative or other covered individual employed at DOJ. _____
(Initial Here)

2. If the individual I am selecting / requesting has a relative or other covered individual employed at DOJ, I certify that my selection decision has not been influenced by either the selectee's relationship with the DOJ employee or any communication by the DOJ employee relating to the personnel action. _____(Initial Here) _____ Not Applicable (i.e., I have no awareness of a relative or other covered individual)
3. I am aware that individuals in the hiring process, including myself, may have had contact with a relative or other covered individual of the selectee. If "yes," I am satisfied it did not affect the personnel action and have attached a brief explanation of the circumstances of which I am aware.
_____ Yes _____ No. If Yes, I have attached an explanation.

Names of relatives or other covered individuals known to work for DOJ:

Relative's/Individual's Name	Relationship to Employee	DOJ/BOP Duty Station

As the selecting official, I certify that the selection was made, or other personnel action was taken, in compliance with Merit System Principles, and the applicable ethics rules.

SIGNATURE, CERTIFICATION, AND RELEASE OF INFORMATION

Selecting Official Signature & Date

Reviewing Official Signature & Date

Please submit this form to _____

Privacy Act Notice: The information provided on this form is covered by and must be used and maintained in accordance with the Privacy Act of 1974, as amended.