



**MILITARY DEPARTMENT OF ARKANSAS  
OFFICE OF THE ADJUTANT GENERAL  
CAMP JOSEPH T. ROBINSON  
NORTH LITTLE ROCK, ARKANSAS 72199-9600**

**ASA HUTCHINSON**  
GOVERNOR

**MARK H. BERRY**  
MAJOR GENERAL  
THE ADJUTANT GENERAL

**NGAR-HRO-EEM**

**11 December 2017**

**MEMORANDUM FOR All Military Members and Employees of the Arkansas National Guard**

**SUBJECT: The Adjutant General's Policy 2018-06, Federal and State Employee Nepotism Policy**

**1. Reference.**

- a. Title VII of the Civil Rights of 1964, as amended
- b. 25 Code of Federal Regulation (CFR) 700.535, Subpart O- Employee Responsibility and Conduct
- c. 29 Code of Federal Regulation (CFR) Section 1614
- d. Ark. Code Ann. §§ 25-160-1001 *et seq.*; Governor's Executive Order 98-04

**2. This memorandum supersedes The Adjutant General's Policy 2013-10, Nepotism, dated 11 February 2013.**

**3. The purpose of this memorandum is to provide guidance to all full time employees of the Arkansas National Guard and Arkansas Military Department on the law of nepotism and other forms of favoritism on behalf of relatives in the federal and state workplace.**

**4. Nepotism is favoritism granted to relatives regardless of merit and capabilities to perform a job. Nepotism in the workplace occurs when employers favor relatives in hiring and promotion decisions, reclassification, supervision, make salary recommendations, assigning work or resources, approving leave requests, giving any benefit, or terminating employment. While family members may work in the same location, they may not supervise one another. For state employees, a temporary change in supervision that does not exceed thirty (30) days is not considered a**

NGAR-HRO-EEM

SUBJECT: The Adjutant General's Policy 2018-06, Federal and State Employee Nepotism Policy

violation. The top applicants for state agency positions are required to complete disclosure forms for those positions prior to a formal offer of employment.

5. For purposes of this policy, the term "relative" or "family member" refers to association with individuals by blood, adoption, marriage and/or co-habitation and are defined as: spouse, fiancé, fiancée, mother, stepmother, mother-in-law, father, stepfather, father-in-law, guardian(s), sister, sister-in-law, half-sister, brother, brother-in-law, half-brother, ward(s), daughter, step daughter, daughter-in-law, son, son-in-law, step-son, aunt, uncle, niece, nephew, grandparent, grandchild, and co-habitant.

6. State employees working for the same agency who plan to marry must both complete the Marriage Disclosure Form. It must be submitted to the human resources department for review and approval. Failure to complete this form may subject the employees to termination for noncompliance. If the marriage creates a violation of Arkansas law that prohibits relatives from working within the same line of supervision the agency director or his designee shall provide written notice of an alternative to resolve the violation.

7. It is the responsibility of every employee to identify any potential or existing personal relationship which falls under the definition provided in this policy. Employees who fail to disclose personal relationships covered by this policy will be subject to disciplinary action up to and including the termination of employment.

8. The spirit and intent of the Nepotism Policy is to foster an environment free from favoritism and preferential treatment. I am personally committed to the establishment of an environment where our federal and state employees can perform to their full potential.

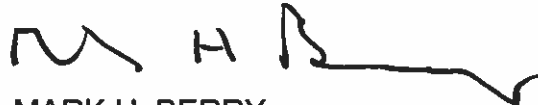
9. This policy is punitive in nature and violations may subject those not in compliance to discipline, up to and including termination.

10. Pursuant to A.C.A. 25-16-1005, any state employee who approves a position and authorizes compensation to an employee in violation of this law will be charged with a Class A misdemeanor. A public official who knowingly violates this law is subject to a civil penalty of \$1,000.

NGAR-HRO-EEM

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11. The Federal employee point of contact for the Nepotism policy is the State Equal Employment Manager, (501) 212-4231 or DSN 962-4231. The State employee point of contact for the Nepotism policy is the EEO/Grievance Officer, (501) 212-5117, fax (501) 212-5119.

A handwritten signature in black ink, appearing to read 'M H BERRY', with a long horizontal flourish extending to the right.

MARK H. BERRY  
Major General  
The Adjutant General