



HAWAI'I STATE ETHICS COMMISSION

Komikina Ho'opono Kulekele o Hawai'i Moku'āina

General Advisory Opinion No. 2026-1

Application of the Nepotism Law to DOE Athletic Coaches and Associated Casual Hire Employees

February 18, 2026

The Hawai'i State Ethics Commission ("Commission") issues this public general advisory opinion to address an unusual situation involving a specific class of state employees within the Department of Education ("DOE"): athletic coaches and related support staff.

Across the State, DOE schools maintain athletic departments staffed by head coaches, assistant coaches, and other support personnel. It is not uncommon for a head coach to both supervise and participate in the hiring of relatives for these positions. While the State Ethics Code's Nepotism Law generally prohibits such conduct, the Commission recognizes that this particular employment structure presents unique challenges. Because nepotism issues arise frequently within this class of employees, the Commission finds it appropriate to issue this general guidance to the DOE and affected personnel.

I. Overview of the Nepotism Law

On July 11, 2023, the State enacted the Nepotism Law, which prohibits most state employees from taking any *employment action* affecting a relative or household member. "Employment action" includes hiring, evaluation, supervision, promotion, demotion, discipline, and other personnel decisions.

The Nepotism Law serves an important public purpose by:

- **Eliminating favoritism** and ensuring fair competition for employment opportunities;
- **Avoiding conflicts of interest** by promoting objective decision-making;
- **Maintaining public confidence** in the integrity and impartiality of state officials and employees; and
- **Preventing abuses of power**, including the misuse of public resources to benefit family members.

The law protects against not only actual favoritism but also the *appearance* of impropriety, which can erode public trust in government.

II. Waivers to the Nepotism Law

The Legislature also recognized that strict application of the law must be balanced against the need to deliver essential public services. Accordingly, the Commission may grant a **waiver** from the Nepotism Law upon a showing of *good cause*—for example, when there is a demonstrated lack of qualified candidates for a position despite good-faith recruitment efforts.

The Commission exercises this authority conservatively. Waivers are granted only when the applicant demonstrates that:

1. Diligent efforts were made to recruit qualified employees; and
2. The position would otherwise remain vacant, thereby impairing public service.

When granted, waivers often include conditions to safeguard against favoritism or bias in hiring, supervision, or evaluation. In assessing whether a waiver is appropriate, the Commission also considers the nature and value of the position involved. When the position is temporary, part-time, and provides minimal financial benefit—such as a limited duration casual hire to address a critical need—the potential for personal enrichment or public concern about favoritism is reduced. In such cases, the Commission may determine that a waiver is consistent with both the letter and the spirit of the Nepotism Law.

III. Application to DOE Athletic Programs

The Commission recently reviewed nepotism concerns arising among DOE athletic programs. Head coaches are paid, casual-hire employees under one-year contracts, typically working for the three-month sports season, with limited off-season activity. Coaches receive a one-time payment at the end of the season—generally between \$2,000 and \$3,000 for head coaches, with lesser amounts for assistant or junior varsity coaches. Many support staff and assistant coaches are unpaid volunteers. None of these positions receive state benefits.

When a head coach position becomes vacant, schools typically advertise the opening on:

- The school's website and social media accounts,
- The Hawai'i High School Athletic Association's website or affiliates,
- Sports reporting websites (e.g., *ScoringLive*), and
- Occasionally, in local newspapers.

Historically, once a head coach is hired, that coach selects the assistant coaches and support staff. This practice often leads to the hiring of relatives, given the reliance on trust, familiarity, and shared coaching philosophies. However, this also creates potential violations of the Nepotism Law.

The DOE reports that coaching positions are challenging to fill, particularly assistant and volunteer roles. The DOE also reports that it is difficult to retain assistant coaches. Often, an assistant coach will leave their position with little or no notice. Without recruiting relatives, many positions could remain vacant, threatening the viability of certain athletic programs.

IV. Commission Guidance

The Commission reaffirms the strong public policy underlying the Nepotism Law: ensuring public confidence that all employment decisions are made on the merits. At the same time, the law allows for flexibility in limited, extraordinary circumstances. Where recruitment challenges are severe and the risk of vacancies is high, a waiver may be appropriate.

In addition, the Commission recognizes that many DOE athletic coaching and support positions are short-term, casual hire arrangements with low pay and no benefits. Because these positions provide limited personal or financial gain, the risk of undue influence or improper benefit to a relative is correspondingly low. This factor further supports a narrowly tailored waiver for this specific class of employees.

In these cases, all employees remain subject to the Fair Treatment Law, which independently prohibits favoritism and the misuse of position to benefit others, including family members.

Given the consistent and widespread nature of this issue within DOE athletic programs, the Commission finds that a class-based waiver is appropriate under the following conditions:

1. **Open Recruitment:** To the extent possible, schools must annually advertise subordinate coaching and support positions using diligent methods to attract qualified candidates.
2. **No Qualified Applicants:** The positions may only be filled by relatives if no qualified, non-related applicants apply. Qualifications may include a coaching strategy consistent with that of the head coach.
3. **Oversight:** The school's athletic director, or an equivalent school-level authority, must maintain general oversight of all employment actions involving relatives to ensure compliance with ethics laws and prevent favoritism.

4. **Limited Duration.** The waiver applies only to coaching and support positions that are casual hires, temporary, or seasonal in nature and limited to a single sport season.
5. **Limited Compensation.** The waiver applies only where the relatives' total compensation does not exceed \$5,000 per season and where the position carries no eligibility for other state employment benefits.

If these conditions are met, employees do not need to apply for individual waivers for each instance of potential nepotism within athletic programs. If these conditions are not met, employees may still apply for an individual waiver if they believe good cause exists. The Commission retains the authority to review, investigate, and take enforcement action should any questions, concerns, or complaints arise.

V. Conclusion

The Commission recognizes that DOE athletic programs play a vital role in the educational experience of Hawai'i's students and communities. This guidance seeks to balance the public's right to ethical governance with the practical realities of recruiting and retaining qualified coaching staff.

By following the procedures and safeguards outlined above, schools may continue their athletic programs while maintaining compliance with the State Ethics Code and preserving public trust in government integrity.

Dated: Honolulu, Hawai'i, February 18, 2026.

Wesley Fong, Chair
Robert Hong, Vice Chair
Cynthia Thielen, Commissioner
Roderick Becker, Commissioner
Moya T. D. Gray, Commissioner