



Military and Naval Affairs

KATHY HOCHUL
Governor
Commander-in-Chief

RAYMOND F. SHIELDS, JR.
Major General
The Adjutant General

MNAG-TAG

07 MAR 2024

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Inappropriate/Unprofessional/Prohibited Relationships

1. References:

- a. AR 600-32 (Conduct Between Soldiers of Different Grades).
- b. AFI 36-2909 (Professional and Unprofessional Relationships).
- c. DMNA Regulation 27-2 (Military Justice).

2. Applicability: All service members (SMs) assigned to the New York Army National Guard, New York Air National Guard, New York Naval Military and New York Guard in a State Active Duty (SAD) status, and/or any Title 32 Duty capacity including Active/Guard Reserve (AGR) or Full-time National Guard Duty Operational Support.

3. This Policy is punitive in nature and violations may result in adverse administrative and disciplinary actions.

4. It is important for me to, again, address prohibited relationships. We all have a duty and responsibility to live by the ethical and regulatory requirements of our military service. Way too often we have SMs who fail to live up to those requirements. This policy letter is intended to provide you with a guide to help you avoid potential problems and conflicts of interest. Everyone – Officers, Non-Commissioned Officers (NCOs), and Enlisted members must be aware of how their actions or contemplated actions affect not only themselves, but our entire organization. Doing what is right when “no one is looking” is critically important to building and maintaining trust from the public. Therefore, I encourage everyone to carefully read this policy letter and to abide by its spirit and intent.

5. Every relationship amongst SMs must answer two fundamental questions:

- a. Is the relationship strictly prohibited based on the status of the SMs?

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b. Is the relationship of such a nature to generate adverse effects (actual, predictable, or perceived)?

6. New York National Guard (NYNG) Officers and Enlisted members may not engage in:

a. Personal Relationships. Dating, shared living accommodations, and intimate or sexual relationships.

(1) Example: A M-DAY/Drill Status Guardsman (DSG) Chief Warrant Officer and an AGR Sergeant from separate units engage in an intimate relationship - Prohibited.

(2) Example: A MDAY/DSG Major invites an Active Duty for Operational Support Technical Sergeant to join him/her for drinks and dinner not for purposes of team building, but as a romantic overture, the very definition a date - Prohibited.

(3) Example: An AGR Sergeant First Class shares his/her quarters with an AGR Captain to provide him/her with affordable duty week accommodations - Prohibited.

b. On-going business relationship except for those that exist because of their civilian occupations. Loaning or borrowing money, commercial solicitation, or joint business venture. One-time transactions such as the selling and purchasing of a house or a car are permissible.

Example: An DSG Chief Master Sergeant approaches an ADOS Soldier/Airmen with a business proposition; loan him/her a substantial sum of money to invest in his/her T-Shirt business, they accept and loan him/her the money - Prohibited.

c. Gambling. Playing a game of chance for money or other things of Value.

Example: While on shift, to kill time in between patrols an Empire Shield Sergeant and his/her team decide to play poker with a buy in of \$10.00. This is a game of chance with a payout - Prohibited.

7. NYNG NCO and junior Enlisted members (E4 and below) may not engage in:

a. Personal Relationships. Dating, shared living accommodations, and intimate or sexual relationships.

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(1) Example: An AGR Master Sergeant attempts to engage in sexual relationships with MDAY/DSG Soldiers/Airmen during training - Prohibited.

(2) Example: A MDAY/DSG Sergeant solicits and engages in numerous sexual relationships with his/her own Soldiers. - Prohibited.

(3) Example: A Sergeant on SAD Orders engages in a sexual relationship with an Airman First Class also on SAD - Prohibited.

(4) Example: An NCO and a Junior Enlisted SMs, while on SAD and assigned to the same organic unit, were found to have made a pornographic video together - Prohibited.

b. On-going business relationship except for those that exist because of their civilian occupations. Loaning or borrowing money, commercial solicitation, or joint business venture. One-time transactions such as the selling and purchasing of a house or a car are permissible.

Example: An AGR Sergeant First Class and several MDAY/DSG Specialists/Senior Airman decide to begin purchasing property with the intent to flip and sell them - Prohibited.

c. Gambling. Playing a game of chance for money or other things of value.

Example: A MDAY/DSG Major invites the NCOs and Enlisted Members of his/her Section over to his/her house after drill for a night of drinking and Poker with a small buy in of \$25.00, since Junior Enlisted members are invited to a game of chance with a payout – Prohibited.

8. NYNG Recruiters and Recruits including prospects, applications, and those in delayed entry or training programs.

a. Personal Relationships. Dating, shared living accommodations, and intimate or sexual relationships.

(1) Example: An AGR Sergeant First Class Recruiter attempts to engage in a personal relationship with a basic training Soldier during Advanced Individual Training break – Prohibited.

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(2) Example: An AGR Technical Sergeant identifies several potential recruits whom he/she finds attractive and utilizes his/her position to contact them with the intent to engage in intimate relationships – Prohibited.

b. On-going, business relationship except for those that exists because of their civilian occupations. Loaning or borrowing money, commercial solicitation, or joint business venture. One-time transactions such as the selling and purchasing of a house or a car are permissible.

Example: An AGR Staff Sergeant Recruiter solicits a Recruit to loan him/her \$1,000 to pay rent – Prohibited.

c. Gambling. Playing a game of chance for money or other things of value.

Example: An AGR Master Sergeant Recruiter starts a fantasy football league with a \$200 buy in solicits the Recruiters and Recruits to participate, this is a game of chance with a payout – Prohibited.

9. NYNG members of different ranks may not engage in relationships which:

a. Compromise, or **appear** to compromise the integrity of authority.

(1) Example: An AGR Master Sergeant and NCO in Charge of fulltime staffing and an AGR Sergeant from a different section within the staff engage in a sexual relationship – Prohibited.

(2) Example: An NCO invites a Junior Enlisted SM into his/her government provided hotel room without any work-related reason – Prohibited.

(3) Example: An NCO, assigned to the mayor cell of a hotel, attends a private hotel room holiday party of junior enlisted in the hotel he/she is responsible for – Prohibited.

b. Cause actual or **perceived** partiality or unfairness.

Example: An MDAY/DSG Lieutenant Colonel selected an MDAY/DSG First Lieutenant for a new training assignment. The selection process was mired in controversy and, there was a unit-wide perception that the board process was unfair. These two officers began an adulterous relationship resulting in creating an environment of favoritism and cronyism – Prohibited.

c. Involve or **appear** to involve improper use of rank.

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Example: An AGR Sergeant First Class attempts to engage in a sexual relationship with a MDAY/DSG trainee stating he/she could get her/him promoted – Prohibited.

d. Are, or are **perceived** to be, exploitative or coercive.

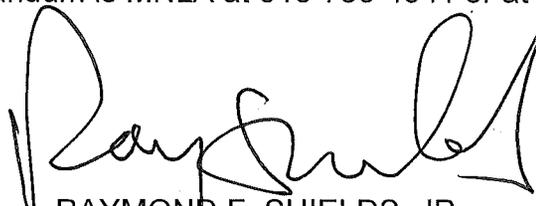
Example: An AGR Sergeant First Class coerces a sexual relationship with an MDAY/DSG Specialist, consenting out of fear and reprisal and potential negative actions on his/her career – Prohibited.

e. Cause/create actual or **predictable** adverse impact on discipline, authority morale, or mission accomplishment.

Example: An MDAY Captain and Company Commander develop a very close personal relationship with the senior NCOs of the unit creating the image of favoritism, bias, and a belief that nothing would change if reported – Prohibited.

10. These rules are in place to ensure good order and discipline. When they are violated, it tears at the fabric of trust and faith in the organization and serves as a detriment to effectiveness and cohesiveness. Further, failure to adhere to these prohibitions may result in the full range of adverse administrative and or disciplinary actions.

11. The point of contact for this memorandum is MNLA at 518-786-4541 or at ng.ny.nyarng.list.mnla@army.mil.



RAYMOND F. SHIELDS, JR.
Major General, NYARNG
The Adjutant General

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