

Summary of Protections for Federal Employees

Merit System Principles

Under 5 U.S.C. §2301 (b) Federal personnel management should be implemented consistent with the following Merit System Principles:

1. Recruit, select, and advance on the basis of merit after fair and open competition.
2. Treat employees and applicants fairly and equitably.
3. Provide equal pay for equal work of value consistent with market rates; reward excellence in performance.
4. Maintain high standards of integrity, conduct, and concern for the public interest.
5. The Federal work force should be used efficiently and effectively.
6. Employees should be retained on the basis of the adequacy of their performance, inadequate performance should be corrected, and employees should be separated who cannot or will not improve their performance to meet required standards.
7. Employees should be provided effective education and training in cases in which such education and training would result in better organizational and individual performance.
8. Employees should be:
 - (A) protected against arbitrary action, personal favoritism, or coercion for partisan political purposes, and
 - (B) prohibited from using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for election.

9. Employees should be protected against reprisal for the lawful disclosure of information which the employees reasonably believe evidences –

(A) a violation of any law, rule, or regulation, or

(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

Sexual Preference

5 U.S.C. §2302 (b) (10) is interpreted as prohibiting discrimination on the basis of sexual preference. Executive Order 11478 as amended by Executive Order 13087, also prohibits discrimination on the basis of sexual preference.

Equal Employment Opportunity Discrimination Complaint

Civil rights laws, including Title VII of the Civil Rights Act of 1964, as amended, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973, prohibit the discrimination of employment (hiring, promotion), opportunity (details, training, awards, reassignment, etc.) to an employee, applicant, and former employee on the basis of:

- National Origin
- Religion
- Color
- Race
- Age (40 years old and older)
- Sex
- Sexual Harassment
- Disability (mental and /or physical)

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Prohibited Personnel Practices

Under 5 U.S.C. §2302 (b) a Federal employee authorized to take, direct others to take, recommend or approve any personnel action may not:

1. Discriminate against an employee or applicant based on race, color, religion, sex, national origin, age, handicapping condition, marital status, or political affiliation;
2. Solicit or consider employment recommendations based on factors other than personal knowledge or records of job-related abilities or characteristics;
3. Coerce the political activity of any person;
4. Deceive or willfully obstruct anyone from competing for employment;
5. Influence anyone to withdraw from competition for any position so as to improve or injure the employment prospects of any other person;
6. Give an unauthorized preference or advantage to anyone so as to improve or injure the employment prospects of any particular employee or applicant;
7. Engage in nepotism (i.e., hire, promote, or advocate the hiring or promotion of relatives);
8. Take, fail to take, or threaten to take a personnel action with respect to any employee or applicant because of any disclosure of information by the employee or applicant that he or she reasonably believes evidences a violation of a law, rule, or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, if such disclosure is not barred by law and such information is not

specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs. If so restricted by law or Executive Order, the disclosure is only protected if made to the Special Counsel, the Inspector General, or comparable agency official;

9. Take, fail to take or threaten to take a personnel action against an employee or applicant for exercising an appeal, complaint, or grievance right; testifying for or assisting another in exercising such a right; cooperating with or disclosing information to the Special Counsel or to an Inspector General; or refusing to obey an order that would require the individual to violate a law;
10. Discriminate based on personal conduct which is not adverse to the on-the-job performance of an employee, applicant, or others; or
11. Knowingly take, fail to take, recommend, or approve a personnel action if taking or failing to take such an action would violate a veterans' preference requirement; and take, or fail to take a personnel action, if taking or failing to take action would violate any law, rule or regulation implementing or directly concerning Merit System, Principle at 5 U.S.C. §2301.