MERIT SYSTEM PRINCIPLES

Employment in the Federal service is covered by a number of laws, regulations and policies. Among the most important of these are the Merit System Principles outlined in 5 USC Chapter 23. These principles generally require that personnel decisions be made without consideration of friendship, favoritism, political affiliation, personal relationships, marital status, or discrimination because of age, race, color, sex, religion, national origin, or handicap. Below are the Merit Principles adapted from the statutory language in Section 2301(b) of Title 5, United States Code.

- Recruit qualified individuals from all segments of society and select and advance employees on the basis of merit after fair and open competition

- Treat employees and applicants fairly and equitably, without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition

- Provide equal pay for equal work and reward excellent performance

- Maintain high standards of integrity, conduct, and concern for the public interest

- Manage employees efficiently and effectively

- Retain or separate employee on the basis of their performance

- Educate and train employees when it will result in better organizational or individual performance

- Protect employees from improper political influence

- Protect employees against reprisal for the lawful disclosure of information in "whistleblower" situations (i.e. protect people who report things like illegal and/or wasteful activities)

PROHIBITED PERSONNEL PRACTICES

Outlined in 5 USC 2302 are specific prohibited personnel practices which protect employees and applicants for employment from unfair personnel actions. Generally stated, 5 USC provides that a federal employee authorized to take, direct others to take, recommend or approve any personnel action may *not*:

- Discriminate against an employee or applicant based on race, color, religion, sex, national origin, age, handicapping condition, marital status, or political affiliation

- Solicit or consider employment recommendations based on factors other than personal knowledge or records of job-related abilities or characteristics

- Coerce the political activity of any person

- Deceive or willfully obstruct anyone to compete for employment

- Influence anyone to withdraw from competition for any position so as to improve or injure the employment prospects of any other person

- Give an unauthorized preference or advantage to anyone so as to improve or injure the employment prospects of any particular employee or applicant

- Engage in nepotism (*i.e.*, hire, promote, or advocate the hiring or promotion of relatives)

- Engage in reprisal for whistle blowing – i.e., take, fail to take, or threaten to take or fail 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)

- Take, fail to take, or threaten to take or fail 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

- Discriminate based on personal conduct which is not adverse to the on-the-job performance of an employee, applicant, or others

- Take or 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 principles