



Current as of: Oct 16

MANPOWER & PERSONNEL FLIGHT FACT SHEET

Prohibited Personnel Practices

PURPOSE:

Twelve prohibited personnel practices, including reprisal for whistle blowing, are defined by law. A personnel action (such as an appointment, promotion, reassignment or suspension) may need to be involved for a prohibited personnel practice to occur.

REGULATION:

5 C.F.R. § 1800

BACKGROUND:

Recruitment, promotion, reassignment and all other personnel actions should be based on the applicants/employee's reconnaissance and not non-merit factors or prohibited personnel practices.

PROHIBITED PERSONNEL PRACTICES:

The law provides that 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) Request 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 in an effort to improve or injure the employment prospects of any person;
- (6) Give 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) Engage in reprisal for whistle blowing – generally, a person with personnel authority cannot take or fail to take a personnel action with respect to an employee or applicant because of a 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. The prohibition does not apply, however, if the disclosure is barred by law or is specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs, except when such a disclosure is made to the Special Counsel, the Inspector General, or a comparable agency official;

(9) Take or fail to take personnel action against an employee or applicant for exercising an appeal, complaint, or grievance right; testifying or assisting another in exercising such a right; cooperating 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 job-related and does not adversely affect the on-the-job performance of an employee, applicant, or others;

(11) 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; or

(12) Take or fail to take a personnel action, if taking or failing to take the action would violate any law, rule or regulation implementing or directly concerning merit system principles at 5 U.S.C. § 2301.

HOW CAN A PERSON FILE A COMPLAINT OF PROHIBITED PERSONNEL PRACTICES OR OTHER PROHIBITED EMPLOYMENT ACTIVITY WITH THE OSC?

Filers must use Form OSC-11 (Complaint of Possible Prohibited Personnel Practice Activity) to submit allegations of prohibited personnel practices or other prohibited employment activity to the OSC. Claims can be filed online through <https://www.osc.gov/oscefile/> or the form can be downloaded and printed from <http://www.osc.gov/ComplaintsForm.htm>. The OSC will not process a complaint submitted in any format other than a completed Form OSC-11 (except for complaints alleging only a Hatch Act violation). If a person uses any other format to file a complaint, the material received will be returned to the filer with a blank Form OSC-11 to complete and return to the OSC. The complaint will be considered to be filed on the date on which the OSC receives the completed Form OSC-11.

Complaints of prohibited personnel practices or other prohibited employment activities within the investigative authority of the OSC should be sent to the U.S. Office of Special Counsel, Complaints Examining Unit, 1730 M Street, NW, Suite 201, Washington, DC 20036-4505.