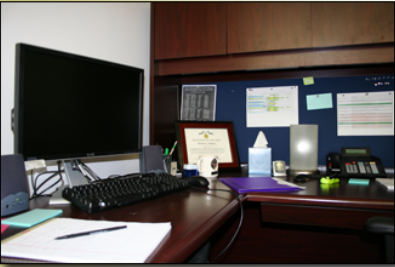


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Module 1: Workforce Management **Lesson 4: Merit System Principles and Prohibited Personnel Practices**



Lesson Welcome

Welcome to the lesson on merit system principles and prohibited personnel practices.

The purpose of this lesson is to review the merit system principles and prohibited practices and help you internalize this information to guide you as you manage your workforce and make personnel decisions in your organization. By the end of this module you should have a clear idea of what the merit system principles and prohibited personnel practices are and your role in the exercise of personnel actions.

Lesson Learning Outcomes

After completing this lesson, you will be able to:

1. Explain the importance of the merit principles and prohibited personnel practices.
2. Identify who is protected and who is not protected.
3. Explain the legal consequences of violating the merit principles and prohibited personnel practices, and
4. Describe a supervisor's responsibility with respect to the merit system principles and prohibited personnel practices.

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Module 1: Workforce Management — Lesson 4: Merit System Principles and Prohibited Personnel Practices

A man in a dark suit and white shirt is giving a thumbs up with his right hand. He is also holding a black tablet in his left hand. The background is a solid red color.

Merit System Principles Overview

Surveys show that many supervisors are not aware of their responsibilities under these principles and practices and in many cases, admitted repeated violations. Many of these leaders have been in a supervisory position for years but indicate they never had knowledge of their responsibilities for proper application of merit system principles. As a supervisor, you are increasingly involved in making personnel decisions. It is therefore important that all leaders understand and be familiar with the merit system principles and prohibited personnel practices.

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Prohibited Personnel Practices Overview

Prohibited personnel practices are behaviors that will undermine the performance and credibility of any organization. As such, supervisors should continuously remind themselves about these prohibited practices. Prohibited personnel practices can and often do occur unintentionally. They can happen when supervisors make decisions without exploring all the possible avenues that can be used to solve a human resources-related problem or address a concern. Unfortunately, ignorance and good intentions are not excuses for acting against the law.

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Module 1: Workforce Management Lesson 4: Merit System Principles and Prohibited Personnel Practices

Supervisor Scenario



Click to view Case Study

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Module 1: Workforce Management Lesson 4: Merit System Principles and Prohibited Personnel Practices

Supervisor Scenario



As a supervisor in this situation, do you think John's actions are a violation of the Merit System Principles and Prohibited Personnel Practices?



Jot down your thoughts about the course of action John took.. Later we will revisit this case study. For now, let's look at the lesson content.

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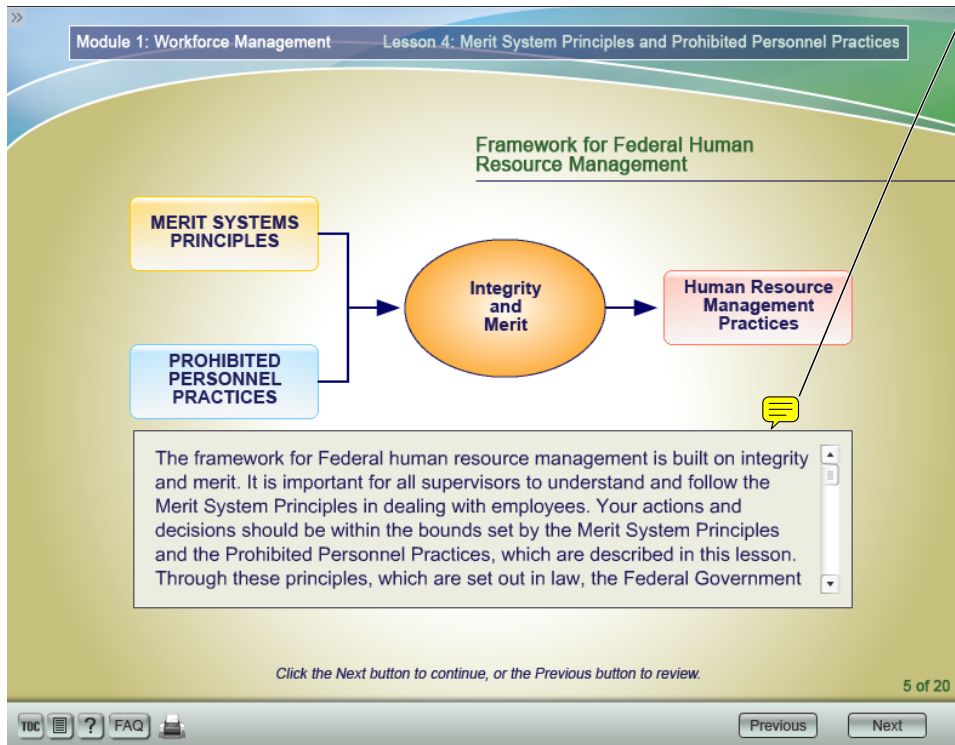
Author: nayvette.fowlkes Subject: Sticky Note Date: 7/21/2011 10:11:23 AM

The framework for Federal human resource management is built on integrity and merit. It is important for all supervisors to understand and follow the Merit System Principles in dealing with employees. Your actions and decisions should be within the bounds set by the Merit System Principles and the Prohibited Personnel Practices, which are described in this lesson. Through these principles, which are set out in law, the Federal Government promises to be a fair employer offering equal opportunity to all qualified citizens, and to make merit the underlying basis for all personnel decisions.

The fundamental foundation of the entire Federal Human Resources Management system is the Merit System Principles. Managers and supervisors have been given more authority to make personnel decisions, but have fewer resources upon which to draw for advice and guidance. To that end, it is critical that supervisors continuously review and remind themselves about the merit system principles and prohibited personnel practices.

The Merit System Principles can be described as the core values that should be expressed in every human resources decision. There are nine Merit System Principles. These Merit System Principles provide guidance on how managers and supervisors should manage our human resources. These nine principles are the expected outcomes of good management and supervision.

The Prohibited Personnel Practices identify specific practices that you must avoid when taking personnel actions in order for your action to be in compliance with the Merit System Principles. There are twelve prohibited personnel practices, including reprisal for whistleblowing.



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Author: nayvette.fowlkes Subject: Sticky Note Date: 7/21/2011 10:12:13 AM

They identify specific practices that you **must avoid** when taking personnel actions in order for your action to be in compliance with the Merit System Principles. Merit System Principles are the "**do's**" for taking personnel actions and the Prohibited Personnel Practices are the "don'ts."


Author: nayvette.fowlkes Subject: Sticky Note Date: 7/21/2011 10:11:58 AM

In the late 1800's, the Pendleton Act established procedures for ensuring that selections for certain federal jobs would be based on open competition, and free from political coercion. Primarily, these early references to a merit system were based on a desire to eliminate the "spoils system" of providing federal jobs to those who supported newly elected presidents.


>> Module 1: Workforce Management Lesson 4: Merit System Principles and Prohibited Personnel Practices

Merit System Principles and Prohibited Personnel Practices: Where Did They Come From?

Take a moment to review the background information that describes how the merit system evolved and specifically how the merit system principles and prohibited personnel practices are related. In essence, the merit system principles are the "do's" for taking personnel actions and the prohibited personnel practices are the "don'ts."



Merit System Principles were established in law by the Civil Service Reform Act of 1978



Prohibited Personnel Practices are derived from the Merit System Principles.

Click each image for more information.

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Module 1: Workforce Management — Lesson 4: Merit System Principles and Prohibited Personnel Practices



What Do the Merit System Principles Do?

In this section of the lesson, we will review the nine Merit System Principles. Merit system principles provide guidance for how you, as a supervisor, should manage your human resources. The Principles reflect the values and outcomes you are expected to support and sustain in every human resource (personnel) decision you make.

Merit system principles:

- Remind us that duty and the public interest are first, all else is second.
- Raise our sights to the public's long-term interest in an "effective civil service" which may, at time, conflict with immediate personal interest.
- Challenge the status quo - what we do/how we do it.
- Give us benchmarks to measure and judge all personnel policies, programs, practices, and individual behavior.
- Provide the basis on which OPM, on behalf of the President and the Congress, holds agencies and individuals accountable.

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Module 1: Workforce Management Lesson 4: Merit System Principles and Prohibited Personnel Practices

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 and reward excellent performance
- 4 Maintain high standards of integrity, conduct, & concern for the public interest
- 5 Manage employees effectively and efficiently
- 6 Retain or separate employees on the basis of their performance
- 7 Provide employees with effective training and education
- 8 Protect employees from improper political influence
- 9 Protect employees from reprisal for lawful disclosures

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Module 1: Workforce Management Lesson 4: Merit System Principles and Prohibited Personnel Practices

Recruit, select, and advance on the basis of merit after fair and open competition

1

Merit System Principle #1

WHAT THIS MEANS:

- Employees are hired/advanced on the basis of their qualifications.
- Job information is available to the public on vacant jobs.
- People selected for jobs have the knowledge, skills, and abilities required for the job.
- Vacant jobs are filled after fair and open competition.

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Treat employees and applicants fairly and equitably

2

Merit System Principle #2

WHAT THIS MEANS:

- Opportunity is provided equitably and fairly to use family friendly work place flexibilities to all employees.
- Employees are encouraged to use EAP programs.
- Managers, supervisors, team leaders deal fairly and equitably with complaints of discrimination.
- Disputes or conflict are resolved fairly.
- Employee rights to privacy are protected.

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Module 1: Workforce Management — Lesson 4: Merit System Principles and Prohibited Personnel Practices

Provide equal pay for equal work and reward excellent performance

3

Merit System Principle #3

WHAT THIS MEANS:

- High performing employees receive monetary awards.
- Supervisors/team leaders are fair in giving cash awards.
- Pay raises depends on how well employees perform their jobs.
- My pay is fair considering what other employees in this organization are paid.
- Employees are asked about their preference for different types of rewards and recognition.

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Module 1: Workforce Management — Lesson 4: Merit System Principles and Prohibited Personnel Practices

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

4

Merit System Principle #4

WHAT THIS MEANS:

- There is trust between employees and managers/supervisors/team leaders.
- All employee's conduct and behavior problems are addressed effectively.
- Managers and supervisors practice the Merit System Principles (MSPs).
- Prohibited personnel practices (PPPs) are not occurring in this organization.
- All employees maintain high ethical standards.

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Module 1: Workforce Management Lesson 4: Merit System Principles and Prohibited Personnel Practices

Manage employees effectively and efficiently

5

Merit System Principle #5

WHAT THIS MEANS:

- Employees participate in development of strategic plans.
- Employees receive the guidance they need to do their jobs effectively.
- Managers communicate the organization's mission, vision & values.
- Managers provide sufficient resources to get the job done.
- Employees are involved in improving the quality of products, services, & work processes.
- There is enough work to keep employees busy.
- A spirit of cooperation & teamwork exists.

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Module 1: Workforce Management — Lesson 4: Merit System Principles and Prohibited Personnel Practices

Retain or separate employees on the basis of their performance

6

Merit System Principle #6

WHAT THIS MEANS:

- Supervisors provide fair & accurate ratings of employee performance.
- Supervisors provide employees with suggestions to improve job performance.
- High performers are motivated to stay with the organization.
- Supervisors deal effectively with poor performers.

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Module 1: Workforce Management — Lesson 4: Merit System Principles and Prohibited Personnel Practices

Provide employees with effective training and education

7

Merit System Principle #7

WHAT THIS MEANS:

- Employees receive training they need to perform their jobs.
- Supervisors jointly determine employees training needs.
- Training plans are integrated into organization's overall strategy.
- Workforce has job-relevant & knowledge, skills, and abilities necessary to accomplish organizational goals.
- Funds are available for employees to get training they need.

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Module 1: Workforce Management — Lesson 4: Merit System Principles and Prohibited Personnel Practices

Protect employees from improper political influence

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Merit System Principle #8

WHAT THIS MEANS:

- Employees are protected against arbitrary action, personnel favoritism or coercion for partisan political purposes.
- Employees do not use their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for election.
- Employees have not been pressured by an agency official to engage in political activity in violation of the Hatch Act.

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Module 1: Workforce Management — Lesson 4: Merit System Principles and Prohibited Personnel Practices


Protect employees from reprisal for lawful disclosures

9


Merit System Principle #9

WHAT THIS MEANS:

- Employees are protected against reprisal for lawful disclosure of information that evidence (a) violation of any law (b) mismanagement, waste, fraud or abuse (c) danger to public health.
- Organization has informed employees what their rights are if they blow the whistle and are retaliated against.

 [Click here for more detailed information and examples supporting the nine merit system principles.](#)


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Module 1: Workforce Management Lesson 4: Merit System Principles and Prohibited Personnel Practices



Prohibited Personnel Practices

Prohibited Personnel Practices are those practices a federal employee with personnel authority must avoid when making human resource or personnel actions:

- Personnel Authority -- Authority to take, direct others to take, recommend, or approve any personnel action.
- Personnel Action -- Appointments, promotions, discipline, movements, pay & benefit decisions, or other significant change in duties, responsibilities or working conditions.

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Author: nayvette.fowlkes Subject: Sticky Note Date: 7/21/2011 10:00:36 AM

- Supervisor takes revenge against people who file grievances against him or her, such as assigning extra work, downgrading a rating on an annual appraisal, etc.

- Supervisor obstructs an employee's right to compete for employment, such as calling the hiring authority and trashing the employee

- Supervisor deliberately fails to have vacancy announcement posted, to prevent a particular candidate from applying for a vacancy

- Supervisor deliberately misplaced or destroyed an application

- Supervisor gives an employee a dishonest recommendation or appraisal to keep valuable employee or to help another candidate

- Supervisor encourages a subordinate not to compete, or to withdraw his or her application, by making promises of future benefits that supervisor does not intend to keep

- Supervisor re-opens a closed vacancy announcement to permit a favored candidate to apply

- Supervisor canceled a vacancy because the name or names s/he wanted were not on the certificate of eligibility

- Supervisor manipulates job qualifications to favor a particular applicant

- Supervisor advises a qualified employee not to apply for a job in order to improve another employee's chances to be selected

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Module 1: Workforce Management Lesson 4: Merit System Principles and Prohibited Personnel Practices

Examples of Common Problems

Examples of common problems are:

- Supervisor takes revenge against people who file grievances against him or her, such as assigning extra work, downgrading a rating on an annual appraisal, etc.
- Supervisor obstructs an employee's right to compete for employment, such as calling the hiring authority and trashing the employee
- Supervisor deliberately fails to have vacancy announcement posted, to prevent a particular candidate from applying for a vacancy

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Examples of Common Problems

Examples of common problems are:

- Supervisor takes revenge against people who file grievances against him or her, such as assigning extra work, downgrading a rating on an annual appraisal, etc.
- Supervisor obstructs an employee's right to compete for employment, such as calling the hiring authority and trashing the employee
- Supervisor deliberately fails to have vacancy announcement posted, to prevent a particular candidate from applying for a vacancy

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- Supervisor treats a pregnant employee differently

- Supervisor treats women harshly because "they don't belong in the workplace"

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Module 1: Workforce Management — Lesson 4: Merit System Principles and Prohibited Personnel Practices

Who Is Covered by Prohibited Personnel Practice Law?



Most Federal civilian positions are covered by Prohibited Personnel Practice law; however, some positions may be excluded from coverage because of the nature of the appointment (example: confidential policy-making positions, Presidential aides and political appointees) or because of the agency that the position is in (example: FBI, CIA, NSA, GAO).

 **Note that complaint forms as well as filing online are available on the web at <http://www.osc.gov/ppp.htm>.**

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Module 1: Workforce Management — Lesson 4: Merit System Principles and Prohibited Personnel Practices



**You,
the Supervisor**

Role of Supervisor

As a supervisor you should be aware that actions and behaviors on your part, intentional or not, could violate prohibited personnel practices.

- Every management decision to appoint, select, promote, reassign, detail, train, discipline, coach, reward or take other action is an opportunity to **SUCCEED** in supporting Merit Principles as well as an opportunity to **FAIL** by engaging in a Prohibited Personnel Practice.
- Human resources (HR) decisions are made by supervisors and managers. Thus, managers and supervisors are accountable for any HR decision they make.

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>> Module 1: Workforce Management Lesson 4: Merit System Principles and Prohibited Personnel Practices

What Are the Prohibited Personnel Practices?

Illegal discrimination 1	Solicit or consider improper employment recommendations 2	Coerce an employee's political activity 3	Obstruct a person's right to compete for employment 4
Influence any person to withdraw from competition for a position 5	Give unauthorized preference or improper advantage 6	Employ or promote a relative 7	Retaliate against a whistleblower, whether an employee or applicant 8
Retaliate against employees or applicants for filing an appeal 9	Unlawfully discriminate for off duty conduct 10	Knowingly violate veterans' preference requirements 11	Violate any law, rule, or regulation which implements or directly concerns the merit principles 12

Click each image for more information.

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Illegal discrimination

1


Prohibited Personnel Practices #1

EXAMPLES:

- 1) Supervisor John refuses to promote Employee Jane because Jane is a Tea Party supporter,
- 2) Supervisor refuses to promote Employee Jane because she is a single mother.

 [Click here to see the basis for this "illegal practice."](#)

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Module 1: Workforce Management — Lesson 4: Merit System Principles and Prohibited Personnel Practices

Prohibited Personnel Practices #1

EXAMPLES:

III

“Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority—

(1) Discriminate for or against any employee or applicant for employment...

...on the basis of race, color, religion, sex, national origin, age, handicapping condition, marital status, or political affiliation.”

Employee
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Module 1: Workforce Management — Lesson 4: Merit System Principles and Prohibited Personnel Practices

Solicit or consider improper employment recommendations

2

Click image for more info.

Prohibited Personnel Practices #2

EXAMPLES:

- 1) Supervisor Mike hires Applicant Ron based on a friend's recommendation that Ron be hired because Ron is a close friend, and the friend thinks Mike & Ron would really get along.
- 2) Supervisor Mike fails to hire Applicant Lisa because of another supervisor's recommendation, even though she was best qualified.

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Module 1: Workforce Management Lesson 4: Merit System Principles and Prohibited Personnel Practices

Prohibited Personnel Practices #2

EXAMPLES:

1) Supervisor Mike hires Applicant Ron based on a friend's recommendation that Ron be hired because Ron is a close friend, and the friend thinks Mike & Ron would really get along.

2) Solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action except as provided under section 3303(f)

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Module 1: Workforce Management — Lesson 4: Merit System Principles and Prohibited Personnel Practices

Coerce an employee's political activity

3


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Prohibited Personnel Practices #3

EXAMPLES:

1) Supervisor Angela takes away significant job duties of Employee Jack because Jack will not make a contribution to Jane's favorite candidate.

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Module 1: Workforce Management — Lesson 4: Merit System Principles and Prohibited Personnel Practices

Prohibited Personnel Practices #3

EXAMPLES:

1) Supervisor Angela takes away significant job duties of Employee Jack because Jack will not make a contribution to Jane's favorite candidate.

Coerce an employee's political activity

"(3) coerce the political activity of any person (including the providing of any political contribution or service), or take any action against any employee or applicant for employment as a reprisal for the refusal of any person to engage in such political activity."

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Module 1: Workforce Management — Lesson 4: Merit System Principles and Prohibited Personnel Practices

Obstruct a person's right to compete for employment

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Prohibited Personnel Practices #4

EXAMPLES:

- 1) Supervisor Joe, located in the Post Headquarters, orders that no vacancy announcements be posted in the field office where Employee Jack works because he does not want Jack to get a new job;
- 2) Supervisor Joe falsely states that there will be extensive travel in the position when he knows that there is no travel.

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Module 1: Workforce Management — Lesson 4: Merit System Principles and Prohibited Personnel Practices

Prohibited Personnel Practices #4

EXAMPLES:

1) Supervisor Joe, located in the Post Headquarters, orders that no vacancy announcements be posted in the field office where Employee Jack works because he does not want Jack to get a new job;

Obstruct a person's right to compete for

"(4) deceive or willfully obstruct any person with respect to such person's right to compete for employment."

e will be knows that

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Module 1: Workforce Management — Lesson 4: Merit System Principles and Prohibited Personnel Practices

Influence any person to withdraw from competition for a position

5

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Prohibited Personnel Practices #5

EXAMPLES:

- 1) Supervisor Judy, in an effort to hire Employee Joe, tells Employee Jack that he should not apply for the position.
- 2) Supervisor Judy is about to interview three candidates for a job, when candidate #1 privately says, "I'm having second thoughts as to whether I want the job. Having a preference for candidate #2 already, Judy says to candidate #1, "Why don't you just withdraw?" She says this so the selection panel will never interview or score candidate #1, thereby eliminating competition.

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Prohibited Personnel Practices #5

EXAMPLES:

1) Supervisor Judy, in an effort to hire Employee Joe, tells Employee Jack that he should not apply for the position.

Influence any person to withdraw from competition for a

"(5) influence any person to withdraw from competition for any position for the purpose of improving or injuring the prospects of any other person for employment."

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Module 1: Workforce Management — Lesson 4: Merit System Principles and Prohibited Personnel Practices

Give unauthorized preference or improper advantage

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Prohibited Personnel Practices #6

EXAMPLES:

1) Supervisor James specifies that Spanish-speaking skills are necessary for a vacant position, for the purpose of selecting Employee Jack, who speaks fluent Spanish. The position, however, does not require Spanish-speaking skills.

2) Supervisor Maurice rigs a selection panel by asking certain employees to serve on it. He knows these members will likely eliminate all applicants from outside the organization because they want to hire from within. Only one internal candidate made the referral list.

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Module 1: Workforce Management Lesson 4: Merit System Principles and Prohibited Personnel Practices

Give unauthorized preference or improper

Prohibited Personnel Practices #6

EXAMPLES:

1) Supervisor James specifies that Spanish-speaking skills are necessary for a vacant position, for the purpose of selecting Employee Jack, who speaks fluent Spanish. The position, however, does not

"(6) grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment (including defining the scope or manner of competition or the requirements for any position) for the purpose of improving or injuring the prospects of any particular person for employment."

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Module 1: Workforce Management — Lesson 4: Merit System Principles and Prohibited Personnel Practices

Employ or promote a relative

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Prohibited Personnel Practices #7

EXAMPLES:

- 1) Second-level Supervisor Lakisha asks First-level Supervisor Bob to hire her son; or to promote her daughter.
- 2) An organization sets aside some of its budget for eight summer hires. Lakisha hires Miguel's son, and Miguel hires Lakisha's daughter, and so on, until many relatives are in the organization.

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Prohibited Personnel Practices #7

EXAMPLES:

1) Second-level Supervisor Lakisha asks First-level Supervisor Bob to hire her son; or to promote her daughter.

Employ or promote a

"(7) appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position any individual who is a relative (as defined in section 3110(a)(3) of this title) of such employee if such position is in the agency in which such employee is serving as a public official (as defined in section 3110(a)(2) of this title) or over which such employee exercises jurisdiction or control as such an official."

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Module 1: Workforce Management Lesson 4: Merit System Principles and Prohibited Personnel Practices

Retaliate against a whistleblower, whether an employee or applicant

8


 Click image for more info.

Prohibited Personnel Practices #8

EXAMPLES:

- 1) Supervisor Charles directs the geographic reassignment of Employee Jeremy because Jeremy reported safety violations to the agency's Inspector General; or because employee Jill reported a gross waste of funds to the Office of Internal Affairs.
- 2) Supervisor Hollie stops processing an award for employee Juan after Juan reported problems in the unit's TDY vouchers.

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Prohibited Personnel Practices #8

EXAMPLES:

4) Supervisor Charles directs the geographic use Jeremy Inspector ed a gross fairs.

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wh

"(8) take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of--

(A) any disclosure of information by an employee or applicant which the employee or applicant reasonably evidences--(i) a violation of any law, rule, or regulation, or (ii) gross mismanagement..."; or

(B) any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures..."

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Retaliate against employees or applicants for filing an appeal

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
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Prohibited Personnel Practices #9

EXAMPLE:

Supervisor Joyce places Employee Lynn on an undesirable detail because Employee Lynn filed an administrative grievance about his performance rating.

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Module 1: Workforce Management — Lesson 4: Merit System Principles and Prohibited Personnel Practices

Prohibited Personnel Practices #9

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"(9) take or fail to take, or threaten to take or fail to take, any personnel action against any employee or applicant for employment because of--

- (A) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;
- (B) testifying for or otherwise lawfully assisting any individual in the exercise of any right referred to in subparagraph (A);
- (C) cooperating with or disclosing information to the Inspector General of an agency, or the Special Counsel, in accordance with applicable provisions of law, or
- (D) for refusing to obey an order that would require the individual to violate a law."

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Module 1: Workforce Management — Lesson 4: Merit System Principles and Prohibited Personnel Practices

Unlawfully discriminate for off duty conduct

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Click image for more info.

Prohibited Personnel Practices #10

EXAMPLE:

Nancy's employment is terminated because she admitted she received a DUI conviction off post.

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Module 1: Workforce Management Lesson 4: Merit System Principles and Prohibited Personnel Practices

Prohibited Personnel Practices #10

EXAMPLE:

Nancy's employment is terminated because she admitted she received a DUI conviction off post.

Unlawfully discriminate

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"(10) discriminate for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others; except that nothing in this paragraph shall prohibit an agency from taking into account in determining suitability or fitness any conviction of the employee or applicant for any crime under the laws of any State, of the District of Columbia, or of the United States."

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Knowingly violate veterans' preference requirements

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Click image for more info.

Prohibited Personnel Practices #11

EXAMPLES:

- 1) Supervisor Steve hired Employee William, without considering Veteran Jennifer, who was included on the list of eligible employees.
- 2) When an applicant refused the supervisor's request that he waive his rights as a 10-point veteran, the supervisor cancelled the recruitment notice and hired the applicant he wanted as a temporary employee.

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Prohibited Personnel Practices #11

EXAMPLES:

1) Supervisor Steve hired Employee William, without considering Veteran Jennifer, who was included on the list of eligible employees.

Knowingly violate veterans' preference requirements

"(11)

(A) knowingly take, recommend, or approve any personnel action if the taking of such action would violate a veterans' preference requirement; or

(B) knowingly fail to take, recommend, or approve any personnel action if the failure to take such action would violate a veterans' preference requirement;"

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Violate any law, rule, or regulation which implements or directly concerns the merit principles

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Click image for more info.

Prohibited Personnel Practices #10

EXAMPLE:

Supervisor Greg terminates the probationary appointment of Employee Gary because of Gary's letter to the editor of the New York Times criticizing affirmative action—a valid exercise of First amendment rights, a law implementing a merit system principle.

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Module 1: Workforce Management Lesson 4: Merit System Principles and Prohibited Personnel Practices

Prohibited Personnel Practices #10

EXAMPLE:

Supervisor Greg terminates the probationary appointment of Employee Gary because of Gary's letter to the editor of the *New York Times* criticizing affirmative rights, a law

Violate any law, rule, or regulation which implements or directly

"(12) take or fail to take any other personnel action if the taking of or failure to take such action violates any law, rule, or regulation implementing, or directly concerning, the merit system principles contained in section 2301 of this title. This subsection shall not be construed to authorize the withholding of information from the Congress or the taking of any personnel action against an employee who discloses information to the Congress."


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Module 1: Workforce Management — Lesson 4: Merit System Principles and Prohibited Personnel Practices



Consequences of Violations

The consequences of violating the prohibited personnel practices or merit principles are:

- An infraction of a prohibited personnel practice could result in disciplinary action
- Engaging in these behaviors is a violation of the law.

Supervisors who commit a prohibited personnel practice or violate a merit principle, may be removed, reduced in grade, debarred from Federal employment, suspended, reprimanded, or fined.

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Author: nayvette.fowlkes Subject: Sticky Note Date: 7/21/2011 10:01:20 AM


Why do some supervisors do things that ultimately do harm to themselves and their organizations by violating the Prohibited Personnel Practices? Some reasons might be the following:

- A belief that it is not "really" illegal
- A belief that the action is in the best interests of the supervisor and organization
- A belief that the action is "safe" because it will never be found out

This is why a solid understanding of the Prohibited Personnel Practices coupled with practice and adherence to the Army value of Integrity will avoid this issue surfacing in the personnel decisions you make as a supervisor. The difference between becoming a successful supervisor and becoming a statistic lies in knowledge—knowing what personnel practices you must avoid—as well as practicing and upholding the Army values. As an Army leader and supervisor, you are expected to do the right thing for the right reason all the time.

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Module 1: Workforce Management Lesson 4: Merit System Principles and Prohibited Personnel Practices



Think About This

It is easy for a supervisor to try to game the system, stretch a rule, or get his or her way. Is this the right thing to do?

The answer is NO! It is not the right thing to do, nor is it the legal thing to do. When we reflect on the Army values we all live by, the value of integrity guides our decisions and actions as supervisors:



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Supervisor Scenario Revisited

Now that you have a better understanding of merit system principles and prohibited personnel practices, let's revisit the earlier case study.

Look at your notes. What should you have done if you were John? Is this a bona-fide prohibited practice? Continue to the next screen to see the answer.

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Leadership Application

Yes, this is a prohibited practice. In the case study, John the supervisor should have notified HR and exempted himself from the selection process.

Prohibited Practice (6) states that any employee who has the authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment for the purpose of improving or injuring the prospects of any particular person for employment. In addition, Merit Principle #1 states, that you must recruit, select, and advance on the basis of merit, after fair and open competition.

This example is a clear violation of both the merit systems principles and the personnel prohibited practices.


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Additional Considerations to Research



- 1.
- 2.
- 3.
- 4.
- 5.



[Click here](#) to open a PDF file of this list. You can then print it and add it to your Supervisor Development Folder.

 Remember you can always click the FAQ button to help you find answers.

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Lesson Takeaways

You have completed the Merit System Principles and Prohibited Personnel Practices lesson. As a supervisor, it's important that you:

- Be aware of your responsibilities in complying with Merit System Principles and avoiding Prohibited Personnel Practices
- Think before you act
- Consult HR and other advisors (EEO, Legal)
- Supervisors are held to a higher standard
- Be aware of perceptions—even when an action is "strictly legal"




 [Click here for more information.](#)


Do you have a thorough understanding of the Lesson Takeaways? Do you still need to do some reading about the Additional Considerations listed on the previous screen? If you feel confident about your knowledge of Employee Training and Development, proceed to the next lesson. If not, use the flyout menu to review, or use the Reference tool or FAQ tool to gain more knowledge.

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CERTIFICATE OF
Completion
THIS AWARD IS GIVEN TO
You
IN RECOGNITION OF SKILLS GAINED BY
PARTICIPATION IN THE AWT MANAGEMENT
STAFF COLLEGE'S R.D.C. LESSON

Lesson Complete!

Congratulations, you have completed the Merit System Principles and Prohibited Personnel Practices lesson. Exit this lesson to continue with the Supervisor Development Course. Remember, you can always come back to this lesson to review.

Congratulations!

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