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Appendix A: Merit Systems Principles and Appendix B: Prohibited Personnel Practices

A Mandatory Reference for ADS Chapter 401

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Appendix A: Merit Systems Principles

Human Resources management is based on and embodies the Merit System Principles (5 USC 2301). The merit system principles are the public's expectations of a system that is efficient, effective, fair, open to all, free from political interference, and staffed by honest, competent, and dedicated employees. The merit system principles are:

1. Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition which assures that all receive equal opportunity.
2. All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights.
3. Equal pay should be provided for work of equal value, with appropriate consideration of both national and local rates paid by employers in the private sector, and appropriate incentives and recognition should be provided for excellence in performance.
4. All employees should maintain high standards of integrity, conduct, and concern for the public interest.
5. The Federal workforce should be used efficiently and effectively.
6. Employees should be retained on the basis of 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:
 - Protected against arbitrary action, personal favoritism, or coercion for partisan political purposes, and
 - 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 violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

Appendix B: Prohibited Personnel Practices

Under 5 USC 2302(b)(1)-(b)(12) a Federal employee authorized to take, direct others to take, recommend or approve any personnel action may not:

1. Discriminate (including discrimination based on marital status and political affiliation).

Example: Supervisor Joe refuses to promote Employee Jane because Jane is a registered Republican; or his refusal is because she is a single mother.

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

Example: Selecting Official Joe hires Applicant Jack based on Senator Smith's recommendation that Jack be hired because Jack is a constituent; or fails to hire Applicant Jane because of Congressman Smith's recommendation based on the Congressman's friendship with Jane's parents.

3. Coerce the political activity of any person, or take action against any employee as reprisal for refusing to engage in political activity.

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

4. Deceive or willfully obstruct any person from competing for employment.

Example: Supervisor Joe, located in 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; or falsely states that there will be extensive travel in the position when he knows that there is no travel.

5. Influence any person to withdraw from competition for a position to improve or injure the employment prospects of any other person.

Example: Supervisor Jane, in an effort to hire Employee Joe, tells Employee Jack that he should not apply for a position because he is not qualified and will never be selected.

Employee Jack is qualified.

6. Give an unauthorized preference to a person to improve or injure the employment prospects of any particular employee or applicant.

Example: Supervisor Jane 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.

7. Engage in nepotism.

Example: Second-level Supervisor Jane asks First-level Supervisor Joe to hire her son; or to promote her daughter.

8. An employee because of whistle-blowing.

Example: Supervisor Joe directs the geographic reassignment of Employee Jack because Jack 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.

9. Take a personnel action against any employee because of the exercise of an appeal, complaint, or grievance right.

Example: Supervisor Jane places Employee Jack on an undesirable detail because Employee Jack filed an administrative grievance about his performance rating.

10. Discriminate against an employee on the basis of conduct, which does not adversely affect the performance of the employee.

Example: Jack's employment is terminated because he attended a "Gay Pride" march; or he attended a "Pro-Life" event; or he attended an animal rights rally; or he attended a gun-owners' rights meeting.

11. Take or fail to take a personnel action, if such action would violate a veterans' preference requirement.

Example: Supervisor Jane hired Employee Jack, without considering Veteran Jennifer, who was included on the list of eligible employees. (OSC's jurisdiction is for disciplinary actions only; the Dept. of Labor has jurisdiction to investigate for corrective actions.)

12. Take a personnel action against an employee which violates a law, rule, or regulation which implements a merit system principle.

Example: Supervisor Joe terminates the probationary appointment of Employee Jack because of Jack's letter to the editor criticizing affirmative action - a valid exercise of First Amendment rights, a law implementing a Merit System Principle.

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