Your Rights as a Federal Employee

Enforced by the U.S. Office of Special Counsel (OSC)

Prohibited Personnel Practices

Prohibited personnel practices (PPPs) are employment-related activities that are banned in the federal workforce because they violate the merit system through some form of employment discrimination, whistleblower retaliation, improper hiring practices, or failure to adhere to laws, rules, or regulations that directly concern the merit system principles. Under 5 U.S.C. § 2302(b)(1)-(b)(14) a federal employee authorized to take, direct others to take, recommend or approve any personnel action may not:

Discriminate (including discrimination based on marital status and political affiliation). Ex: Supervisor Joe refuses to promote Employee Jane after learning that she is recently divorced; or because she contributes to a Political Action Committee that supports a candidate he opposes. **NOTE**: OSC does not generally investigate Title VII discrimination. ***5 U.S.C. § 2302(b)(1)***

Solicit or consider employment recommendations based on factors other than personal knowledge or records of job-related abilities or characteristics. Ex: Selecting Official Zack selects Applicant Joe based on Senator Smith's recommendation that cites Joe's status as a substantial donor rather than his qualifications or skills. ***5 U.S.C. § 2302(b)(2)***

Coerce the political activity of any person or take action against any employee as reprisal for refusing to engage in political activity. Ex: Supervisor Jane tells Applicant Mark that he will not be promoted unless he votes for her favorite candidate in a local election. ***5 U.S.C. § 2302(b)(3)***

Deceive or willfully obstruct any person from competing for employment. Ex: Supervisor Anne tells a hiring official that Employee Kevin is not a self-starter and requires close supervision to produce quality work. Anne knows this is false but provides the misleading information to prevent losing Kevin, whom she considers a valuable team member. ***5 U.S.C. § 2302(b)(4)***

Influence any person to withdraw from competition for a position to improve or injure the employment prospects of any other person. Ex: Supervisor Tom, seeking to discourage Employee Kim's interest in a promotional opportunity, tells her the position is "not for her" and deliberately stresses its negative aspects, including frequent travel and potential realignment of the position to another unit. ***5 U.S.C. § 2302(b)(5)***

Give an unauthorized preference to a person to improve or injure the employment prospects of any particular employee or applicant. Ex: Hiring Official Kate instructs Human Resources to cancel and repost a vacancy after learning that her preferred candidate, Max, missed the original deadline. Kate then directs Max to apply once the position is reposted. ***5 U.S.C. § 2302(b)(6)***

Engage in nepotism: Ex: Supervisor Mary directly supervises her first cousin and puts in a good word for her sister when speaking to Hiring Official Sam about an opening. Sam is Mary's subordinate. ***5 U.S.C. § 2302(b)(7)***

Take, fail to take, or threaten (to take or withhold) a personnel action against an employee for making protected disclosures. Ex: Supervisor Stephen rates Employee Alex as fully successful for the performance year after Alex raises concerns about leadership failing to provide proper respiratory equipment to employees working with hazardous materials. ***5 U.S.C. § 2302(b)(8)***

Take, fail to take, or threaten (to take or withhold) a personnel action against an employee for engaging in protected activity. Ex: Supervisor Helen reassigns Employee Adam in retaliation for meeting with an Office of Inspector General investigator during an active investigation; or for providing testimony in another employee's union grievance. ***5 U.S.C. § 2302(b)(9)***

Discriminate against an employee on the basis of conduct, which does not adversely affect the performance of the employee. Ex: Applicant Dan is not selected for an interview because he is an out-of-state applicant; or because the hiring official discovered a photo of him at a pro-life rally on social media. ***5 U.S.C. § 2302(b)(10)***

Take or fail to take a personnel action, if such action would violate a veterans' preference requirement. Ex: A veteran applicant is not given bona fide consideration for an internal position at another agency, even though the vacancy permits external candidates to apply under the Veterans Employment Opportunities Act. **NOTE**: While OSC plays a role in enforcing these protections, veterans' preference complaints must be filed with DOL VETS within 60 days of the alleged violation. ***5 U.S.C. § 2302(b)(11)***

Take or fail to take a personnel action that violates a law, rule, or regulation which implements a merit systems principle. Ex: Supervisor Joe removes 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. ***5 U.S.C. § 2302(b)(12)***

Chill whistleblowing or implement/enforce a nondisclosure agreement or policy that does not notify employees of their whistleblower rights. Ex: A supervisor tells employees that failing to notify management before reporting wrongdoing to the Office of Inspector General is disrespectful. ***5 U.S.C. § 2302(b)(13)***

Access the medical record of an employee or applicant, as part of, or in furtherance of any of the above-listed prohibitions. Ex: Upset that an employee disclosed a gross waste of funds, a supervisor accesses medical records provided as part of a FMLA request and attempts to block the employee's selection for a promotional opportunity by telling the hiring official that the employee's condition noted in the FMLA request would make it difficult for the employee to meet the demands of the position. ***5 U.S.C. § 2302(b)(14)***

WHAT CAN YOU DO IF YOU BELIEVE THAT A PPP HAS BEEN COMMITTED?

OSC is a federal investigative and prosecutorial agency. Current and former federal employees, including probationary employees, and applicants for federal employment can submit a complaint electronically to OSC at https://osc.gov. OSC will review the allegations to determine jurisdiction and investigate allegations of prohibited personnel practices. In complaints where OSC finds a violation, OSC has the authority to seek corrective and/or disciplinary action and/or file complaints with the Merit Systems Protection Board (MSPB), where appropriate. 5 U.S.C. §§ 1212, 2302(b)(1)-(b)(14). Learn more about the prohibited personnel practices by exploring the tabs here, where you will find helpful information and videos.

WHAT CAN YOU DO IF YOU WANT TO REPORT GOVERNMENT WRONGDOING?

Current and former federal employees and applicants can confidentially report information evidencing: (1) a violation of any law, rule, or regulation; (2) gross mismanagement; (3) a gross waste of funds; (4) an abuse of authority; (5) a substantial and specific danger to public health or safety; or (6) censorship related to scientific integrity or research to OSC. OSC has the authority to require the head of the agency concerned to investigate the matter. While OSC does not have independent investigative authority in these cases, Congress has given OSC an important oversight role in reviewing government investigations of potential wrongdoing.

HOW DOES OSC ENFORCE THE HATCH ACT?

The Hatch Act Unit (HAU) enforces compliance with the Hatch Act, which limits certain political activities of federal executive branch employees. All employees, except for the President and Vice President, are prohibited from: (1) using their official authority or influence to affect the result of an election; (2) soliciting, accepting, or receiving political contributions from any person; (3) being candidates in partisan elections; (4) soliciting or discouraging the political activity of persons with business pending before their employing office; and (5) engaging in political activity while on duty or in the federal workplace. *See* 5 U.S.C. §§ 7323-7324. HAU investigates complaints to determine whether a Hatch Act violation has occurred. In cases where HAU concludes that an employee has violated this law, it will either issue a warning letter or seek disciplinary action by negotiating a settlement or prosecuting the case before the MSPB. HAU also is responsible for a nation-wide program that provides federal, state, and local employees, as well as the public at large, with legal advice on the Hatch Act, enabling individuals to determine their coverage under the Act and whether their contemplated activities are permitted under the Act. To further its advisory and enforcement role, HAU is very active in OSC's outreach program and operates a hotline and dedicated email address for individuals to request and receive timely Hatch Act advice. In addition, HAU launched its own webinar series tailored to various audiences to address specific Hatch Act topics. Learn more about the Hatch Act's prohibitions by watching these short videos.

Updated and detailed information on OSC and its procedures can be found on OSC's website at *https://osc.gov*.
For more information on filing a complaint or making a disclosure: 202-804-7000, 800-872-9855, or submit a question at *info@osc.gov*.
Please note that OSC may not provide advice regarding the merit of a complaint or whether the allegation meets the statutory definitions.
For information about training and the 2302c Certification Program please contact OSC's Outreach Unit via email at *certification@osc.gov*.