



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 because Jane is a registered Republican; or his refusal is because she is single. **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 Joe hires Applicant Jack based on Senator Smith's recommendation that Jack be hired because Jack is a constituent. 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 takes away significant job duties of Employee Jack because Jack will not make a contribution to Jane's favorite candidate. 5 U.S.C. § 2302(b)(3)

Deceive or willfully obstruct any person from competing for employment. Ex: 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 hired for a job in Headquarters. 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 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. 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: 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. 5 U.S.C. § 2302(b)(6)

Engage in nepotism: Ex: Second-level Supervisor Jane asks First-level Supervisor Joe to hire or promote her son. Supervisor Denise serves as the first-line supervisor for her uncle Anthony. 5 U.S.C. § 2302(b)(7)

Take, fail to take, or threaten (to take or fail to take) a personnel action against an employee for making protected disclosures. Ex: Supervisor Joe directs the geographic reassignment of Employee Jill after Jill reported a gross waste of funds to the Office of Internal Affairs. 5 U.S.C. § 2302(b)(8)

Take, fail to take, or threaten (to take or fail to take) a personnel action against an employee for engaging in protected activity. Ex: Supervisor Jack terminates Employee John after learning that John reported a gross waste of funds to the Office of Inspector General; or for refusing to obey an order that would require John to violate agency regulations. 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: 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. 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: Supervisor Jane hired Employee Jack, without considering Veteran Jennifer, who was included on the list of eligible employees. **NOTE:** OSC's jurisdiction is limited to disciplinary actions only; the Dept. of Labor has jurisdiction to investigate for corrective actions.

5 U.S.C. § 2302(b)(11)

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

Ex: 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.

5 U.S.C. § 2302(b)(12)

Implement or enforce a nondisclosure agreement or policy lacking notification of whistleblower rights.

Ex: A manager Issues a policy to all employees in his program that prohibits the employees from discussing the program in any way and fails to notify employees of protected channels for making disclosures. *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: An employee expresses interest in an open position to a hiring official, who wants to hire another applicant. The hiring official accesses the employee's medical records provided under a reasonable accommodation (RA) request and attempts to influence the employee to withdraw from competition by telling her that the stress of the new position will worsen a medical condition noted in her RA medical records. *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, where appropriate. *5 U.S.C. §§ 1212, 2302(b)(1)-(b)(14)*. You can learn more about prohibited personnel practices by watching [these](#) short videos.

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

Current and former federal employees and applicants can confidentially report information evidencing a violation of any law, rule, or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, a substantial and specific danger to public health or safety, or 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 Merit Systems Protection Board. 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. You can learn more about the Hatch Act's prohibitions by watching [these](#) short videos.

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 merit of a complaint or whether the allegation meets the statutory definitions.

Updated and detailed information on OSC and its procedures can be found on OSC's website at <https://osc.gov>.

For information about training and the 2302c Certification Program please contact OSC's Outreach Unit via email at certification@osc.gov.