

Prohibited Personnel Practices (5 USC § 2302(b))

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 –
 - A. on the basis of race, color, religion, sex, or national origin, as prohibited under section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16);
 - B. on the basis of age, as prohibited under sections 12 and 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 631, 633a);
 - C. on the basis of sex, as prohibited under section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (d));
 - D. on the basis of handicapping condition, as prohibited under section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791); or
 - E. on the basis of marital status or political affiliation, as prohibited under any law, rule, or regulation;
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 unless such recommendation or statement is based on the personal knowledge or records of the person furnishing it and consists of –
 - A. an evaluation of the work performance, ability, aptitude, or general qualifications of such individual; or
 - B. an evaluation of the character, loyalty, or suitability of such individual;
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;
4. deceive or willfully obstruct any person with respect to such person's right to compete for employment;
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;
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;
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;
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 believes evidences –
 - i. a violation of any law, rule, or regulation, or
 - ii. gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, if such disclosure is not specifically prohibited by law and if

such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs; 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, of information which the employee or applicant reasonably believes evidences –
 - i. gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;
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 –
 - (i) with regard to remedying a violation of paragraph (8); or
 - (ii) other than with regard to remedying a violation of paragraph (8);
 - 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;
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;
- 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; or
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; or
13. implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: "These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of 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, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling."