

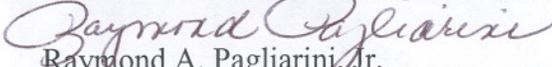


U.S. Department of Justice
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MEMORANDUM FOR COMPONENT HUMAN RESOURCES OFFICERS

FROM: 
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Director, Personnel Staff

SUBJECT: Merit System Principles and Prohibited Personnel Practices

The fundamental under girding of the entire Federal Human Resources Management system is the Merit System Principles. We need to reemphasize the importance of following these principles and guarding against prohibited personnel practices given this era in which the Department is operating with a smaller number of human resources professionals to provide assistance to our managers and supervisors. Managers and supervisors have been given more authority to make personnel decisions, but have fewer resources upon which to draw for advice and guidance. The Department's Human Capital Accountability Program focuses significant attention on how human capital decisions are made. To that end, it is critical that we continuously remind ourselves 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, which can be found in Section 2301(b) of title 5, U.S.C. These Merit System Principles provide guidance on how managers and supervisors should manage our human resources and how human resources staff should provide oversight of our core values. These nine principles are the expected outcomes of good management. Please see the attached list of Merit System Principles that have been adapted by OPM.

There are twelve Prohibited Personnel Practices that can be found in Section 2302 (b) of title 5, U.S.C. Please see the attached adapted version of Prohibited Personnel Practices. These practices are those actions that should never occur as they are the results or outcomes of poor management practices. However, Prohibited Personnel Practices can and often do occur unintentionally. They can happen when managers and 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.

As human resources officers and staff members, we all serve as guardians over the core values of the merit system. Be mindful of all of these principles as you advise managers and supervisors. Failure to uphold the merit principles will derogate our civil service and may lead to individual punitive actions.

Should you desire to learn more about the Merit System Principles, OPM has developed a free one-hour online course through GoLearn (www.golearn.gov).

Attachment

MERIT SYSTEM PRINCIPLES
Adapted from § 2301 (b) of title 5 U.S.C.

1. Recruit, select, and advance on 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, and concern for the public interest.
5. Manage employees efficiently and effectively.
6. Retain or separate employees on the basis of their performance.
7. Educate and train employees if it will result in better organizational or individual performance.
8. Protect employees from improper political influence.
9. Protect employees against reprisal for the lawful disclosure of information in "whistleblower" situations.

PROHIBITED PERSONNEL PRACTICES
Adapted from § 2302 (b) of title 5 U.S.C.

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