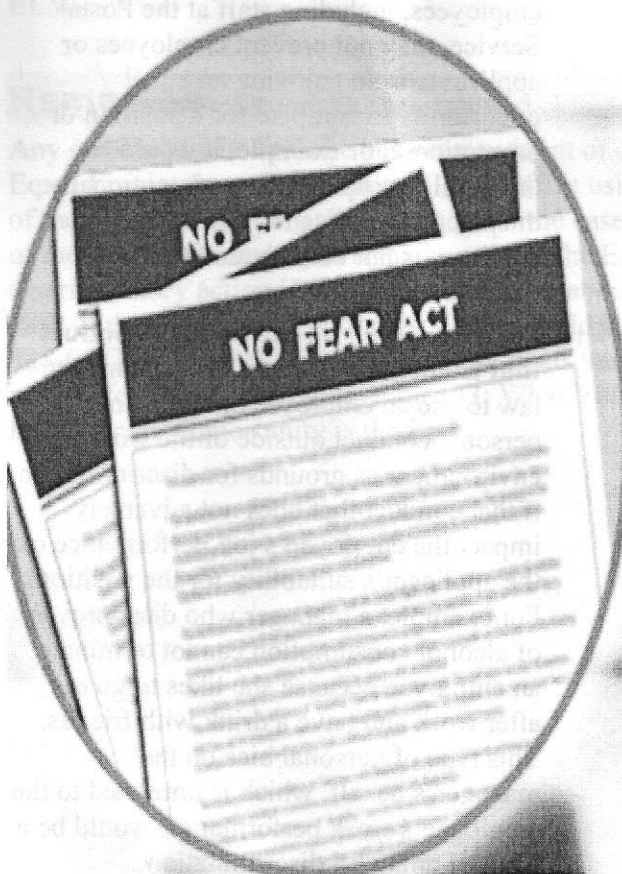


Hand-Out

**United States Postal Service – No FEAR Act
Rights & Remedies**



Personnel Authority

As a Postal employee, you must actively ensure that the rights protected by federal law and Postal Service regulations are not violated. This can be done by avoiding prohibited personnel practices.

Postal staff, like all other federal employees, are said to have personnel authority when they participate in making decisions that relate to appointments, promotions, discipline, transfer, reassignments, reinstatements, pay, benefits, training, change in duties, responsibilities, or other employees' working conditions.

Prohibited Personnel Practices

The No FEAR Act requires that federal employees receive notice of specified personnel practices that are prohibited by certain federal laws. While not all of these laws apply to the Postal Service, similar provisions can be found in Section 666 of the Postal Service's Employee and Labor Relations Manual (ELM). Specifically, the Postal Service is not subject to the prohibitions listed in 5 U.S.C. § 2302(b)(2) through (9). Moreover, the No FEAR Act does not require training on subsections (2) through (7).

List of Prohibited Practices

1. **Discriminating against protected classes** – It is against the law to discriminate against an employee or applicant based on sex, including pregnancy and sexual orientation; race; color, religion; national origin; age; disability; marital status; individual genetic information; or political affiliation.
2. **Improperly influencing employment recommendations** – Managers or supervisors may not make employment recommendations based on factors other than personal knowledge or records of the applicant's job-related abilities. For example, a manager may not lawfully recommend an employee for a promotion simply because the employee is a personal friend.
3. **Coercing political activity** – Political activity or affiliation may not be forced on any employee at the Postal Service. It is also unlawful to discriminate against employees or applicants because they hold a particular political viewpoint. An example of this would be a supervisor denying a promotion to a qualified

employee because he is or is not a member of a certain political party.

4. **Engaging in nepotism** – With limited and narrow exceptions, federal law and regulations prohibit public officials from hiring relatives.
5. **Engaging in retaliation for whistleblowing** – If you are an employee with personnel authority at the Postal Service, you may not retaliate against employees or applicants who have disclosed information that provides evidence of violation of laws, rules, or regulations. It is also within an employee's or applicant's rights to file a complaint regarding gross mismanagement, gross waste of funds, the abuse of authority, and situations that may pose a danger to public health or safety.
6. **Retaliating against employees who exercise their rights** – Managers and supervisors may not punish employees or applicants who have exercised appeals, complaints, or grievance rights. Employees or applicants who have given evidence on behalf of, or assisted, others in exercising their rights are also protected from reprisal. For example, it would be unlawful for a manager to terminate an employee because the employee filed a harassment complaint against a friend and colleague of the manager.
7. **Improperly influencing an applicant to withdraw from competition for a position** – If you have personnel authority, you may not improperly influence an applicant to withdraw from competition for any position to improve or cause harm to the employment prospects of any other applicant.
8. **Improperly exercising influence to benefit or harm a particular employee** – If you have personnel authority, you may not give an unauthorized advantage to anyone to improve or cause harm to the employment prospects of any particular employee or applicant. For example, it

would be improper for a supervisor to unjustifiably evaluate a particular employee as being "above average" on a performance appraisal in order to improve that employee's chance of promotion or a pay raise.

9. **Intentionally obstructing someone from competing for employment** – No federal employees, including staff at the Postal Service, may not prevent employees or applicants from enjoying an equal opportunity to compete for a position or promotion. For example, it would be unlawful for supervisors to intentionally misplace an applicant's file so the applicant is not considered for employment.
10. **Discriminating on the basis of conduct that is not job related** – It is against the law to use an employee or applicant's personal conduct outside of the work environment as grounds for discrimination if that conduct that does not adversely impact the employee's job performance or the applicant's suitability for the position. For example, a manager who disapproves of alcohol consumption cannot terminate an employee because she likes to go out after work and have a drink with friends. This type of personal bias on the manager's behalf, which is unrelated to the employee's work performance, would be a form of unlawful discrimination.
11. **Violating the merit system principles** – Managers and supervisors may not make decisions that run counter to merit system principles established in order to create honest, fair, and equal opportunity working environments. Merit systems principles include providing fair and open competition for employment, recruiting qualified employees on the basis of merit, managing employees in an efficient and effective manner, and providing equal pay for equal work.

Grievances

Postal employees covered by a collective bargaining agreement may file grievances regarding wages, hours, and working conditions in accordance with the provisions of the applicable agreement. Non-bargaining unit, non-probationary employees may use the appeal procedures under the provisions in Part 652 of the ELM.

Remedies

Any employee who feels he has been a victim of discrimination or retaliation can contact the Postal Service Equal Employment Opportunity (EEO) Office using the central toll-free telephone within 45 calendar days of the alleged discriminatory action, or in the case of a personnel action, within 45 days of the effective day of the action. An employee also can contact the EEO Office more than 45 days after an alleged discriminatory action if (a) she did not know about the action when it occurred, and (b) she files within 45 days of the time she knew or reasonably should have known it occurred. The central telephone number is: 888-EEO-USPS (888-336-8777). Individuals with hearing impairment may use TTY: 888-325-2914. For more information, see Publication 133: What You Need to Know about EEO or Poster 72: Equal Employment Opportunity is the Law.

Allegations of reprisal for the release of information as set forth in the ELM section 666.18 prohibited practices, raised by any USPS employee should be addressed to the USPS Office of Inspector General.

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Improperly influencing employment recommendations – Managers or supervisors may not make employment recommendations based on factors other than personal knowledge or ability of the applicant's job-related abilities. For example, a manager may not lawfully recommend an employee for a promotion simply because the employee has personal friends.

Covering political activity – Political activity or affiliation may not be forced on any employee of the Postal Service. It is a violation to discriminate against an employee or applicant because they hold a particular political view point. An example of this would be a supervisor denying a promotion to a qualified

Personnel Authority – A Postal employee, you must actively ensure that the rights protected by Federal law and Postal Service regulations are not violated. This can be done by avoiding prohibited personnel practices.

Postal employees are all other federal employees, and are not a guaranteed authority when it is a part of making decisions that may affect employment, promotion, discipline or other personnel actions. Management may have the authority to make personnel decisions.