Merit System Principles and Prohibited Personnel Practices: A Primer for the HR Community

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Key Takeaways

By the end of this session, you will be able to:

- Identify and understand the basic elements of the nine merit system principles (MSPs) and their importance in managing the federal workforce
- Identify the 14 prohibited personnel practices (PPPs) so you can recognize potential red flags
- Provide appropriate guidance to managers at all levels within the organization, including how to locate additional resources and where to go for support
Merit System History: Spoils System

To the victor belongs the spoils

- Senator William Marcy (NY)
Merit System: History

1800s
- Spoils System Era

1883
- Pendleton Act

1912
- Lloyd-LaFollette Act

1978
- Civil Service Reform Act

1989
- Whistleblower Protection Act
U.S. Merit System Protection Board

**Mission:** Protect the Merit System Principles and promote an effective Federal workforce free of Prohibited Personnel Practices.
U.S. Office of Special Counsel

**Mission:** Safeguard the Merit System by protecting Federal employees and applicants from Prohibited Personnel Practices, especially reprisal for whistleblowing
Merit System: Purpose

The Merit System Principles (MSPs) promote an effective Federal workforce free of Prohibited Personnel Practices (PPPs)

- Summarized under nine aspirational goals, the MSPs serve as the foundation of Federal employment policy and practice, workplace fairness, and the Federal Government’s ability to effectively accomplish its goals

The MSPs represent ideals for the way the Federal government should be run but they are not enforceable, standing alone

- The PPPs are fourteen actions that are forbidden for employees who have the authority to make personnel decisions
Merit System Principles

Recruitment  Equity  Compensation  Conduct  Utilization

Retention  Training  Neutrality  Public Interest
Prohibited Personnel Practices (PPPs)

- Discrimination
- Considering Inappropriate Recommendations
- Coercing Political Activities
- Obstructing Competition
- Influencing Withdrawal from Competition
- Granting Unfair Advantage
- Nepotism
- Whistleblower Retaliation
- Other Retaliation
- Other Discrimination
- Veterans Preference
- Violating Rules that Implement a Merit System Principle
- Imposing Non-disclosure that Prohibits Whistleblowing
- Accessing Medical Records in Furtherance of another PPP

NEW!
Participant Perceptions: Scenarios

Scenario 1

• Ben is a known member of the National Rifle Association (NRA). Ben receives an unacceptable performance evaluation from his supervisor, Frank, because Frank is opposed to guns and gun ownership. Has Frank committed a PPP?

Scenario 2

• Which of these is a violation?
  • Jane grants limited administrative leave for employees to vote in an upcoming federal election
  • Jane tells her coworker that she voted for Barack Obama in the 2012 election
  • Jane takes away significant job duties from Jack because Jack will not make a contribution to Jane’s favorite candidate
Ripped from the Headlines

Secret Service agrees to pay $24 million in decades-old race-bias case brought by black agents

EPA warned of ex-official’s illegal salary, bonuses in 2010, watchdog report says

Huge bonuses and forced transfers were downfall of top TSA official Kelly Hoggan
Participant Perceptions: Adherence to MSPs

Slido Live Audience Poll
Key Themes of the MSPs and PPPs

Treat employees fairly in all aspects of their employment.

Refrain from misuse of authority and protect employees from harm, such as reprisal for the exercise of a legally protected right.

Manage employees in the short-term and long-term public interest.
## Incorporating Merit System Principles into Modern HR Roles

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<thead>
<tr>
<th>AO/HR Liaison</th>
<th>HR Specialist</th>
<th>Supervisor</th>
<th>HR Director</th>
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<tr>
<td>Provide staff, supervisors, and managers with guidance and resources on MSPs and PPPs</td>
<td>Ensure managers and supervisors make merit based decisions and avoid PPPs</td>
<td>Motivate, retain, and supervise staff – actions which are all covered by MSPs</td>
<td>Develop and implement Human Resources policies that adhere to MSPs</td>
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<td>Keep abreast of Human Resource policies and guidance and collaborate with their HR Specialist on any potential issues</td>
<td>Research best practices and lessons learned from other agencies and identify opportunities to engage staff</td>
<td>Ensure that every personnel decision is guided by MSPs and avoid any action that could be a potential PPP</td>
<td>Adequate programs and services to train, reward, and retain high performing staff</td>
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For additional information please visit:

- MSPB Studies
- OSC Website
- HR University
Discussion
Contact Information

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https://www.instagram.com/nihforjobs/
Glassdoor
Back-up Slides
Merit System Principles - Details

**Recruitment**
- Recruit a diverse pool of applicants
- Hold fair and open competition
- Select the best-qualified applicants

**Equity**
- Treat employees applicants fairly and equitably
- Respect employees’ privacy and constitutional rights

**Compensation**
- Pay employees fairly
- Recognize and reward performance

**Conduct**
- Hold employees to high standards
- Put the public interest first
Merit System Principles – Details con’t

**Utilization**
Use the workforce efficiently and effectively

**Retention**
Retain employees based on performance

**Training**
Provide employees with training and development

**Neutrality**
Protect employees against arbitrary action, favoritism, and political coercion.

**Public Interest**
Protect employees against reprisal for whistleblowing or exercising a right.
“OSC Prosecutes HR Specialists for Allegedly Helping Pre-Select a Candidate”

MSP 1: Recruitment

“Huge bonuses and forced transfers were downfall of top TSA official Kelly Hoggan”

MSP 4: Conduct

“Better Career Development Needed, MSPB Says”

MSP 7: Training

“Secret Service agrees to pay $24M in decades-old race-bias case brought by black agents”

MSP 2: Equity

“VA Spends Billions Annually Without Proper Oversight”

MSP 5: Utilization

“Special Counsel Says Julián Castro Violated Hatch Act”

MSP 8: Neutrality

“EPA to Collect Retention Bonuses It Mistakenly Paid to Employees”

MSP 3: Compensation

“Watchdog Says EPA Management Failing to Promptly Discipline Problem Employees”

MSP 6: Retention

“Agency that’s supposed to protect whistleblowers got slapped for retaliating against one of its own”

MSP 9: Public Interest
Political Context – Public Policy

Fair and orderly processes for hiring, pay, promotion, rewards, discipline

Merit-based HRM

Compliance with law, public policy & negotiated agreements

Due process protections No patronage or favoritism

Driven by work requirements and individual competence
Open Competition | Job Analysis | Candidate Comparison
Equity-based competition | Just Cause

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