Selected Prohibited Personnel Practices: Employee Perceptions

U.S. Merit Systems Protection Board
Office of Policy and Evaluation
March, 2018
What is a Prohibited Personnel Practice (PPP)?

Overview
- 14 proscribed behaviors related to personnel actions
- Codified at 5 U.S.C. § 2302
- Complement to the merit system principles at 5 U.S.C. § 2301
- Investigated and enforced by the Office of Special Counsel

Examples
- Interfering with an employment competition
- Nepotism
- Discrimination based on non-job-related conduct
- Reprisal for a protected disclosure (i.e., whistleblowing)
- Willful violation of a veterans’ preference requirement

Potential Penalties

<table>
<thead>
<tr>
<th>Penalty</th>
<th>Reprimand</th>
<th>Suspension</th>
<th>Demotion</th>
<th>Removal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Debarment (up to 5 years)</td>
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<td>Civil fine (up to $1,000)</td>
</tr>
</tbody>
</table>
About the Merit Principles Survey (MPS)

### Population surveyed
- **Federal employees**
- **Air Force**
- **Treasury**
- **NASA**
- **DHS**
- **Interior**
- **Commerce**
- **GSA**
- **Justice**
- **Agriculture**
- **EPA**
- **State**
- **SEC**
- **OPM**
- **FDIC**
- **Education**
- **SSA**
- **Defense**
- **Energy**
- **HUD**
- **Labor**
- **Navy**
- **GSA**
- **Transportation**
- **Army**

### Agencies covered
- **24**

### Respondents
- **14,473**

### Response rate
- **39%**

### 2016 MPS (Path 1)
- **Path 1**
  - Career entry and interests
  - Workplace aggression
  - Sexual harassment
  - Workplace fairness and equity
- **Path 2**
  - Employee engagement
  - Work behaviors
  - Emotional labor
  - Prohibited Personnel Practices
- **Path L (supervisors/managers)**
  - Supervisory roles and tasks
  - Managing performance
  - HR support and services

### 2010 MPS
- **Path 1**
  - Career entry and interests
  - Workplace aggression
  - Sexual harassment
  - Workplace fairness and equity
- **Path 2**
  - Employee engagement
  - Work behaviors
  - Emotional labor
  - Prohibited Personnel Practices
- **Path L (supervisors/managers)**
  - Supervisory roles and tasks
  - Managing performance
  - HR support and services

### Overview—2016 MPS
- **Who?**
  - Permanent full-time Federal employees
  - 114,000 employees invited
  - 42,000 employees completed the survey
- **Where?**
- **What?**
Perceptions Increased

In the past 2 years, an agency official (e.g., supervisor, manager, senior leader, etc.) in my work unit has discriminated in favor or against someone in a personnel action based upon...

<table>
<thead>
<tr>
<th>Change in Perceptions (Percentage Points) ↓</th>
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<tbody>
<tr>
<td>Observed (Including Those Affected) – 2016 Survey ↓</td>
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<tr>
<td>Observed (Including Those Affected) – 2010 Survey ↓</td>
</tr>
<tr>
<td>… race</td>
</tr>
<tr>
<td>… age</td>
</tr>
<tr>
<td>… religion</td>
</tr>
<tr>
<td>… sex</td>
</tr>
<tr>
<td>… national origin</td>
</tr>
<tr>
<td>… disabling condition</td>
</tr>
<tr>
<td>… marital status</td>
</tr>
<tr>
<td>… political affiliation</td>
</tr>
</tbody>
</table>
Perception of PPPs: Agency Matters

Agencies differ considerably in both the incidence of PPPs, as shown by the range of perceived incidence of varying types of prohibited discrimination...

...and in the relative prevalence of different PPPs, as shown by the comparison of results for two large Federal agencies.

Agency Range

- Political affiliation
- Race/ethnicity
- National origin
- Age
- Sex
- Marital status
- Disability

Agency Comparison

- Manipulation of job competition
- Discrimination (ethnicity/race)
- Discrimination (sex)
- Reprisal (exercise of right)
- Discrimination (age)
- Nepotism
- Reprisal (whistleblowing)
- Violation of veterans’ preference
- Discrimination (religion)
- Discrimination (marital status)
- Discrimination (national origin)
- Discrimination (political affiliation)
- Improper non-disclosure agreement
Nepotism

In the past 2 years, an agency official (e.g., supervisor, manager, senior leader, etc.) in my work unit has...

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</tr>
<tr>
<td>…advocated for the appointment, employment, promotion, or advancement of a relative</td>
<td>12.2%</td>
</tr>
</tbody>
</table>
Nepotism

Relationship between the official who they thought had most recently committed nepotism and the beneficiary of the nepotism.

<table>
<thead>
<tr>
<th>Relationship</th>
<th>Percentage</th>
</tr>
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<tbody>
<tr>
<td>Child</td>
<td>32.1%</td>
</tr>
<tr>
<td>Spouse</td>
<td>17.0%</td>
</tr>
<tr>
<td>Sibling</td>
<td>8.7%</td>
</tr>
<tr>
<td>Niece/Nephew</td>
<td>5.6%</td>
</tr>
<tr>
<td>Cousin</td>
<td>1.8%</td>
</tr>
<tr>
<td>“Other relative by blood/marriage”</td>
<td>19.2%</td>
</tr>
<tr>
<td>“Non-relative”</td>
<td>15.6%</td>
</tr>
</tbody>
</table>
### Nepotism: Who Commits It?

<table>
<thead>
<tr>
<th>Alleged Offender(s)</th>
<th></th>
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<tbody>
<tr>
<td>Executive</td>
<td>24%</td>
</tr>
<tr>
<td>Manager</td>
<td>44%</td>
</tr>
<tr>
<td>Supervisor</td>
<td>17%</td>
</tr>
<tr>
<td>Other (e.g., HR)</td>
<td>15%</td>
</tr>
</tbody>
</table>

**Nepotism is not an equal opportunity offense.**

If alleged offenders were proportional to their representation in the workforce—

- Supervisors would be the alleged offender nearly *twice as often* as managers
- Executives would comprise *less than 5 percent* of offenders

**What might account for this pattern?**

- **Opportunity.** Supervising more positions increases the likelihood of a match between a position and a relative’s interest.
- **Authority.** When a manager *asks* a question, subordinates may *hear* an order.
- **Distance or lack of transparency.** Line employees often have little information about how high-level officials make decisions, which may make them more likely to perceive impropriety.
- **Corruption.** Power can lead to temptation—and abuse.
PPP Perceptions and Engagement

- Experienced one or more PPPs:
  - Not Engaged: 51%
  - Somewhat Engaged: 36%
  - Engaged: 14%

- Observed one or more PPPs:
  - Not Engaged: 29%
  - Somewhat Engaged: 50%
  - Engaged: 21%

- Did not experience or observe any PPPs:
  - Not Engaged: 37%
  - Somewhat Engaged: 57%
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