CALIFORNIA

Technician/AGR Administrative Instruction

National Guard Technicians - CAL NG Active Guard/Reserve

MILITARY DEPARTMENT

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MERIT SYSTEM PRINCIPLES AND PROHIBITED PERSONNEL PRACTICES

1. **Merit System Principles** (5 USC 2301). Federal personnel management will be implemented consistent with the following merit system principles:

a. Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition which assures that all receive equal opportunity.

b. All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights.

c. Equal pay should be provided for work of equal value, with appropriate consideration of both national and local rates paid by employers in the private sector, and appropriate incentives and recognition should be provided for excellence in performance.

d. All employees should maintain high standards of integrity, conduct, and concern for the public interest.

e. The Federal work force should be used efficiently and effectively.

f. Employees should be retained on the basis of the adequacy of their performance, inadequate performance should be corrected, and employees should be separated who cannot or will not improve their performance to meet required standards.

g. Employees should be provided effective education and training in cases in which such education and training would result in better organizational and individual performance.

h. Employees should be-

(1) Protected against arbitrary action, personal favoritism, or coercion for partisan political purposes, and

(2) Prohibited from using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for election.

i. Employees should be protected against reprisal for the lawful disclosure of information which the employees reasonably believe evidences-

(1) Violation of any law, rule, or regulation, or

(2) Mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

2. **Prohibited Personnel Practices** (5 USC 2302). Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority –

a. Discriminate for or against any employee or applicant for employment –

(1) On the basis of race, color, religion, sex, or national origin, as prohibited under section 717 of the Civil Rights Act of 1996 (42 USC 2000e-16);

(2) On the basis of age, as prohibited under sections 12 and 15 of the Age Discrimination in Employment Act of 1967 (229 U.S.C. 631, 633a);

(3) 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));

(4) On the basis of handicapping condition, as prohibited under section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791); or

(5) On the basis of marital status or political affiliation, as prohibited under any law, rule, or regulation;

b. 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-

(1) An evaluation of the work performance, ability, aptitude, or general qualifications of such individual; or

(2) An evaluation of the character, loyalty, or suitability of such individual;

c. 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;

d. Deceive or willfully obstruct any person with respect to such person's right to compete for employment;

e. 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;

f. 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;

g. 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 jurisdiction or control as such an official;

h. Take or fail to take a personnel action with respect to any employee or applicant for employment as a reprisal for-

(1) 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,

(ii) 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

(2) A disclosure to the Special Counsel of the Merit Systems Protections Board, 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) A violation of any law, rule, or regulation, or

(ii) Mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

i. Take or fail to take any personnel action against any employee or applicant for employment as a reprisal for the exercise of any appeal right granted by any law, rule, or regulation;

j. 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 the United States; or

k. 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.

3. Direct questions concerning this TAAI to SMSgt Michael Hunt at CAGNET 63354, DSN 466-3354 or (916) 854-3354.

FOR THE ADJUTANT GENERAL:

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