

FEDERAL PROHIBITED PERSONNEL PRACTICES  
IN ADDITION TO RETALIATION FOR WHISTLEBLOWER

5 U.S.C. § 2302. Prohibited personnel practices

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- (a)
  - (1) For the purpose of this title, "prohibited personnel practice" means any action described in subsection (b).
  
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- (b) Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority--
  - (1) discriminate for or against any employee or applicant for employment--
    - (A) on the basis of race, color, religion, sex, or national origin, as prohibited under section 717 of the Civil Rights Act of 1964 ([42 U.S.C. 2000e-16](#));
    - (B) on the basis of age, as prohibited under sections 12 and 15 of the Age Discrimination in Employment Act of 1967 ([29 U.S.C. 631, 633a](#));
    - (C) on the basis of sex, as prohibited under section 6(d) of the Fair Labor Standards Act of 1938 ([29 U.S.C. 206\(d\)](#));
    - (D) on the basis of handicapping condition, as prohibited under section 501 of the Rehabilitation Act of 1973 ([29 U.S.C. 791](#)); or
    - (E) on the basis of marital status or political affiliation, as prohibited under any law, rule, or regulation;
  - (2) 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--
    - (A) an evaluation of the work performance, ability, aptitude, or general qualifications of such individual; or

- **(B)** an evaluation of the character, loyalty, or suitability of such individual;
- **(3)** 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;
- **(4)** deceive or willfully obstruct any person with respect to such person's right to compete for employment;
- **(5)** 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;
- **(6)** 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;
- **(7)** 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 \[5 USCS § 3110\(a\)\(3\)\]](#)) 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 \[5 USCS § 3110\(a\)\(2\)\]](#)) or over which such employee exercises jurisdiction or control as such an official;