

# POM EEO Newsletter

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## **POM EEO OFFICE**

**197 Patton Avenue, Bldg. 218  
Monterey, CA 93944  
Ph: 831-242-5105**

**BEFORE YOU GO TO EEO:  
Attempt to resolve wrongs,  
conflicts, and violations of laws,  
regulations, or policies at lowest  
level before you contact the EEO  
Office.**

The U.S. Equal Employment Opportunity Commission enforces Federal laws prohibiting employment discrimination. These laws protect you against employment discrimination which involves:

- Unfair treatment because of your race, color, religion, sex (including pregnancy), national origin, age (40 or over), disability (mental or physical), reprisal (for prior EEO activity), or genetic information.
- Harassment by managers, coworkers, or others in your workplace, because of your race, color, religion, sex (including pregnancy), national origin, age (40 or over), disability (mental or physical), reprisal (for prior EEO activity), or genetic information.
- Denial of reasonable workplace accommodation that you need because of your religious beliefs or disability.
- Reprisal because you complained about job discrimination, or assisted with a discrimination investigation or lawsuit.

## **Avenues of Redress –Where Can You Go? Part 1 of a 4 Part Series – Part 1: MSPB**

### **Merit System Protection Board (MSPB)**

The MSPB is an independent, quasi-judicial agency in the Executive Branch that serves as the guardian of the Federal merit systems.

The mission of the MSPB is to “Protect the Merit System Principles and promote an effective Federal workforce free of Prohibited Personnel Practices. “MSPB’s vision is “A highly qualified, diverse Federal workforce that is fairly and effectively managed, providing excellent service to the American people.” MSPB carries out its statutory responsibilities and authorities primarily by adjudicating individual employee appeals and by conducting merit systems studies. In addition, MSPB reviews the significant actions of the Office of Personnel Management (OPM) to assess the degree to which those actions may affect merit.

#### *Merit System Principles and Prohibited Personnel Practices*

The framework for federal human resources is rooted in integrity–The merit system principles are the fundamental precepts, which guide the conduct of Federal human resources management.

#### *Merit System Principles*

Personnel management is based on and embodies Merit System Principles. The merit system principles are the public’s expectations of a system that is efficient, effective, fair, open to all, free from political interference, and staff by honest, competent, and dedicated employees. As the Department of the Army experiences continuous change in the management of human resources (centralization, deregulation, delegation, etc.), it becomes increasingly important that line supervisors and managers incorporate the merit system principles in every decision process they use.

#### *Mixed Cases and the MSPB*

A mixed case concerns an adverse action by the agency that is appealable to the MSPB and the employee raises discrimination under one of the governing EEO statutes. To be appealable to the MSPB there must be jurisdiction and the employee must have standing. 1. Competitive non-probationary employees. Excepted service employees with at least two (2) continuous years of service. 2. Removal or reductions in grade; 14+days suspension; furloughs, demotions, and negative suitability determinations, etc.

*If you believe you have been discriminated against by a federal agency, you have a right to file a complaint with that agency. The first step is to contact an EEO Official at the Presidio of Monterey EEO Office within 45 days of the discriminatory action. The individual may choose to participate in either counseling, or in Alternative Dispute Resolution (ADR) when the agency offers ADR. Ordinarily, counseling must be completed in 30 days and ADR within 90 days. At the end of counseling, or if ADR is unsuccessful, the individual may then file a formal complaint with the agency.*