[ Please stand by for real-time captions ]

So it is 1:00 on the got. Going to start our recording. And we have just launched into a brief home room. You should see on your main stage area there. A couple of virtual classroom courtesies. Just to mention again, I am the course advocate here. If you have any issues you can drop them in the chat on the bottom left or reach out via Skype and I can make sure things are going to run smooth for us. A one hour session here. So make sure you are focused on this presentation throughout. Be respect for others, the chat box is in the session recording as well. Use it thought fully. I see someone saying mute your microphone. All participants are muted as you call in advance, we disabled any speech just yet. There will be however a q and a session toward the end of this training, we'll access that, no worries there. Of course interact appropriately with instructors and participants. There are ways to chat privately, be mindful how you drop all of that information there. Everything is recorded an transcribed, so keep all that in mind as we go through today. Once again, if you have not already, or if you are having trouble with t reach out to you but this login format is important for attendance purposes. Log in via your last name comma, first name comma location. Now is the perfect time to do it before we get started. Reach out to myself or -- colleague. Mind our names at the top of the attendees spot there. Also after today's training if your signal drops you see the bars in the upper right hand corner f it's anything other than green you may want to dial in, just in case because it might be choppy. It might be choppy without the signal showing, sometimes it takes a minute to catch up. Closing the Adobe Connect classroom and reopening will fix issues. We have an advance line for backup. Might have to scroll through that pod there, but it should say if connecting to audio by phone, can you find the code and numbers deeper in that pod. So the status which you are familiar with through the audio check, if you are trying to tell us anything like speak louder, speak up, speak faster, you can't hear, using the chat box is a better way to do it, anything down here under this gray line is a temporary status, those don't last long. So if you are having issues, generally a better way to communicate in the chat box and I can reach out to you that way. But if have you a question or any major concerns can you raise your hand, I will address you via Skype. Like I said we will be waiting until the end of the presentation for a q and a session. If anything related to the content that is covered write that down and address it once that q and a portion comes up. Now, a couple of note bus the interactive parts of this training. There are are going to be some polls and once we roll into it, you will see your screen change a little bit, you will see a poll like the screen shot displayed right here and there are some buttons there. That's what you will select, you won't have to type your answer into the chat box. The poll doesn't log any of those answer that come in. So, if you want to participate in the poll there, it will pop up in the middle of the screen and will you select the little buttons next to that bit. So, if there are no questions at the moment, I am actually going to hand it over to our presenters today. So, I will be on the lookout for anyone in the attendees list having trouble log in with the appropriate format. Go ahead and move us over.

Good afternoon, everyone. My name is Denise Williams supervisor of the hr technical training team. Can everyone hear me clearly? Welcome to the office of talent management. Monthly committees practice training. Today's session will cover the merit systems principles and federal agency work force or enforced by the prohibition, personal practices which violate these principles. Presenter this afternoon this afternoon is Ms. Monica moinar, attorney with general councilperson until law group. Represented federal agencies in employment matters for three years, joining va in May 2019. And prior to that, she represented federal employees in matters before the msde, Monday Kay advices on matters related to the disciplinary office, whistleblower protection act. She majored in government and English and Boston college law school. And without further ado, I will turn it over to Monica, thank you for your time and attention.

Good morning, everybody. Happy to be here. Can you all hear me okay? I am going to assume unless I get a negative response that can you. Excellent. So what we're talking about today is the merit system principles and prohibited personnel practices that come from title 5. Generally we'll be covering a little bit of an intro and background where they came from. Merit systems prims pells and prohibited personnel practices, competition, discrimination, management, conduct and performance; employee protections. We'll go over some of the entities that enforce these rules, so those are things like the office of special council and the merit system protection board, I will talk about what those roles, I touch on the va specific considerations that we have to the va accountability and [ Inaudible ] for convenience I will call the accountability act moving forward. City want to let you know I have provided way more slides than I could fully discuss today. City want to provide you with all with the information as a precourse so you have everything all in one place. So I am going to focus on this oral presentation on some issues official others. And, you know, some of the supplies that are not too complicated. I do encourage you all to read them and use these slides as precourse in the future. So, talk a little bit about the introduction and background where these things came from. The federal civil service is very unique, it makes a very exciting to work on. Most employment in this country is called at will employment which means generally people can be terminated or disciplined for any reason or no reason at all as long as it is not reasons for race, age, those types. Federal civil service is not way that. It's a merit based system. Before we take actions [ Inaudible ] we have to have cause. This resonates way back when in 1883 with the Pendleton act. The first step towards the act that we have today, it did away with the old system filling with the civil service with people who will a political affiliation with the current administration and shifted to a merit based system. This was finally codified by the civil service reform act in 1978 which created the modern civil service, this is where we get the merit system principles and the prohibited personnel practices. You probably all know this little better as title 5. Both the msp which is a merit system principles and prohibited personnel practices [ Inaudible ] and that's where we will be talking mainly about. We'll talk about those today. You know, this system also divided responsibilities to protect these principles among various entertainment Tates and that will include the merit are protection board, special council, personnel management and equal employment opportunity [ Inaudible ] the system placed primary responsibility for avoiding ppps and attaining msps on agents. Just some brief definitions so we know what we are talking about the merit system principles are the nine basic standard that govern management of the federal work force, the aspirational principles of our system, these are the things that we must do and 2301. The other side. Action that are forbidden for employees who have the authority to make personnel decisions. These are the things we must not do. These two principles work together and basically establish how the federal work force be managed. They are opposite sides of the same coin. I wanted to cover this definition up front. We use this term a lot in this discussion. Personnel action has in this context a definition which I produced for you here on this slide. I am not going to read it all. But it includes the things that are likely promotions, appointments, personal evaluations, anything concerning pay, benefits, awards, training, if it will lead to other type of personal action that are listed. So instead of reviewing thing that we are talking about, what I think most people would generally think are personal action, city want to bring your attention to the last bullet point. This definition includes any other significant change in duties, responsibilities or working conditions. I wanted to point this one out, this is an area where -- there is a lot of arguing in various types of litigation about whether something is a personnel action under that last bullet point. Generally speaking, focus on how significant are the changes, you know, is it one little pass that you are asked at one time, or entirely change your job. So, here is a little wiggle room in whether something counts as a personnel action or not under the last bullet point there. All right.

Personnel action, here is some of the general examples of what is a personnel action. Failure to make an appointment, so the important thing with these first two it can be the fame your to do something. So if you fail to process with a grade increase that is a personnel action. Rep reland do count as a personnel action. Are not is a denial of access to restricted areas, disparaging letter to another employee. Supervisor's unsanctioned search of an employee's home. It's clear the supervisor was acting outside the scope of their employment, that is an outlier that I wanted to bring to your attention. And a failure to select an employee's proposed project has found not to be a personal action as letters of caution. There are gray zone, we talked a little bit about that last bullet point falling under that the changes in job duties, gray zone depends how significant the changes are. Letters of counseling are something that are also argued about a lot. The [ Inaudible ] basically indicated if a letter of counseling threaten has disciplinary action it may be a personnel action, if it doesn't it may not. So just a caution flag when you are looking at those types of issue that letters of counseling is professional lawyer answered, it depends on the fact the of the letter, whether it counts as a personnel action or not. Just a general note that all federal employees have responsibilities to implement the msps and avoid the pp ps. Some employees have special responsibility, our leaders should be role models, supervisors, managers, executives that are making personnel decisions have a sort of direct connection to these -- you know, importantly for you all, human resources staff who advice on personnel authorities and how to exercise them have a special responsibility to try and implement [ Inaudible ] in accordance with the [ Inaudible ] behind them. And I cited a report from the msp where I got that broke down. And it also sort of [ Inaudible ] of the msps [ Inaudible ] protecting the government from misuse of authority, suspecting employees for harm and turd ship making sure we are managing the agency and our employees in the public sector. Those are the general principles. Generally the advice, if you are not sure, think about if you would be happy with whatever decision you are making [ Inaudible ] stated in the Washington post or "New York Times." If you are happy with that, you are probably on the side of the angels and good to go. If you you would have some concerns take a closer look as to what are doing. And on this side I provided some links can you use for general information about pps and msps to put in statute language and report from the msp on merit system principles which is helpful for sort of reading more on this. Getting the msps and ppss themselves. The first that I put together for you is competition. There are a lot of the msps and pps directly to do with hiring [ Inaudible ] so, on each one of these slides presided the actual statutory language for each of these issues and I am not going to read it to you. It's in legalease, it would be boring listening. The first married system principle focuses on recruitment, in a nutshell it says we should focus on attaining qualified candidate that are representative of the public, through open recruitment and merit based assessment of the applicants. Remains as a fair competition and select the best qualified candidates. This is where your knowledge skills and abilities, principles come from that you probably are familiar with in the hiring process. Just some general dos and don'ts. Do try to sort of seek a diverse group of am cans to, each [ Inaudible ] that would include announcing vacancies to a variety of media, not just posting it in one place. Using an appropriate mix of hiring authorities, a gooded example is schedule a hiring authority that deal with bringing on board people with targeted capabilities so you can use that to increase representation. And we want our job announcement -- we don't want to do it without thinking, make sure it's something the government needs. We don't want to always post on usa jobs, that limits the applicants who know that we are hiring. Ppp 2 deal with employment recommendations. And this basically prohibits us from considering recommendations that are not based on personal knowledge and not directly related to the job work force. When getting a recommendation you need to be sure it's an evaluation of work performance or character based on the recommenders' personal knowledge. And then I group these three together ppp 4, 5 and 6 because they are generally dealing again with the application and hiring process. For number 4 we can't obstruct a person from competing in employment. We don't want to tell an employee not to apply for things -- or any other way, make them unable to keep. We don't want to influence any person, number 5, to withdraw from competition. We don't want to say I don't think you are are definitely going to get it, I don't think you should apply, we want to be cautious about those type of things, make sure that doesn't have an improper motive. We want to avoid granting an unauthorized preference for employee or applicant. We'll go through these examples to clarify these. Ppp had 4 and 6, sort of the they tend to work together, these have to do with obstructing competition and giving someone an unauthorized preference, they overlap a lot of these two. A single issue can violate a whole bunch of ppps at the same time, it's not like it has to say in one box or the other, it violates multiple. For had and 6. A supervisor falsely rates a subordinate employee pet/o competing for a promotion as unsatisfactory row because they know that employees rated satisfactory and above can obtain the promotion, [ Inaudible ] unauthorized preference in the process. Ppp 5 influencing withdrawal from a competition. Here is a general fact pattern. A veteran is at the top of the list for hiring which means that she is blocking other candidates from being selected. The selecting official wants to hire someone lower on the list and encourages the veteran to apply for another vacancy instead. So this would violate ppp 5 trying to get someone to withdraw from competition. It would probably violate ppp 11 which we'll talk about later which addresses veterans preference. Violation of ppp 5 to occur, the applicant does not have to withdraw, it's enough to try to get someone passed, it's the doing the act itself is a violation, separate add lot of these ppps from the outcome. If you commit a ppp and it doesn't work and the employee still is hired or whatever the case may be, if it's still a ppp it happens at the time [ Inaudible ] per example because the applicant is not highly qualified and there is a clear issue or better position is available to them, this is just an area where you want to proceed with caution. You know, obviously even if you do have good motives an employee may file a complaint about an encouragement withdrawal and the agency would be in the position to establish what their motives were and that they were proper. So, you know, be careful working [ Inaudible ] some misconceptions about these. These ppp that I hear a lot. It is not a prohibited personnel practice to act on a preconceived idea that one person may be the best selectee. Unless that idea was based on an impermissible basis like race/age or status. Staff members applying for a merit supervisor will naturally think they will be the selectee. The supervisor then properly follow all the hiring requirements and consider the mitt of each applicant, the supervisor does end up selecting employees. This is not a ppp. Supervisors are not expected to forget everything they know about their employees when entering into a highering action. What they are required to do is consider and base decisions on the merit of the application. So a lot of people get a little muddled there. And it is a little bit of a gray zone. But it's really about how well the supervisor is on the factors Currently considering the knowledge of the employees [ Inaudible ] generally speaking to be a ppp, there must be some grant of some I am percent I believe advantage to some employee. Or intentional or purpose Pullman impilation of the system to ensure one person is favored is over another person. Violate civil law or regulation, touching on these msp, it is a ppp, veterans preference issue that pushes into the ppp and it was otherwise permissible. Just sort of practice tips here. Negotiate or I am pew dent actions, telling your employees you already made a decision before the competition can create the appearance a violation of the principles. So at all times, supervisors and personnel endeavor to maintain that this is a fair competition was absolutely how it should be and we want to make that clear. Sort of related, ppp is the idea of nepotism. It's essentially using your position to favor a family member. It's a simple concept. An employee who takes influences or recommends a personnel action may not provide advantage [ Inaudible ] it was a break down. The law actually goes into specific detills how is counted as a relative, include family, in laws, those type of things and I listed those all out on the slide here. It's a broad definition of relative. This is not just about hiring, it includes benefits of employment, you know, if a father completed the rating of [ Inaudible ] that would also be nepotism. They say, you know, more likely to grant advantage to relatives [ Inaudible ] it is not prohibited for two relatives to work at the same agency. If they are not in the same chain of command or if they are in the same chain of command as long as the personnel authority is not involved in personal acts of -- it's not a blanket prohibition of relatives working in the same office, make sure they are not making decision bus personnel actions [ Inaudible ] this one I am going through quickly. Because in large part the discrimination msp and ppp have been consumed into the eeoc complaint process. We'll talk more when we discuss entities involved in enforcing these. Generally speaking, these m sp treat everybody equally without regard to protective -- race, color, religion, national origin, sex, marital status, age, handicap, we have to do this with regard for privacy. This is I think what everybody should be familiar as the general nondiscrimination rules of federal system. A firm protections of the constitution and the privacy act. We can't be publicizing employees personal information under the privacy act [ Inaudible ] just some general dos and don'ts I listed here. I won't go through each of them. The msp has emphasized the important of hiring supervisors with people's management skills. And this one compensate merit system principle 3 it tracks the equal pay act and is now handled mainly under the eeoc system, we have this msp 3 that says all federal employees should be provided equal pay for equal work. And it does require agencies to define, identify, recognize excellence and support. This is based through an idea where employees doing an extra good job should receive extra rewards and those type of things. And again, this all ties back to the federal system is a merit based system, judging and treating employees only on how they perform. Marital status is included here. This will not be addressed by the eeoc or but addressed by msp, it's a weird outlier there. Generally speaking we're talking about antidiscrimination here. All right. Moving on to the next big category which is management, conduct and performance. There is a few of them that touch on these. Merit system principle 4 all employees should maintain standards of integrity, conduct and concern for the public interest. This is basically where most of the agencies, federal standards of conduct that we issue for our employees are based out of, for the va we have [ Inaudible ] which are the regulation that incapsulate our major standards of conduct and we also have employees time, standards of conduct on an annual basis. And then title 5 regulations and [ Inaudible ] 263.101 includes general standards of conduct, about what you would expect. This is a common sense sort of issues here. It goes back to my [ Inaudible ] you know, what you are doing, you're comfortable in public is okay here. And the dos and don'ts generally again make good hiring decisions, hire people that you can trust, act with the conduct that you desire. More specific there. This one is a weird one. It's a little bit sort of vague and a little fluffy in my mind. It's generally the principle that the federal work force should be used efficiently and effectively. I don't see this one come up in litigation very often.

It requires federal employees to be efficient with taxpayer dollars, it's something that we can all get behind. And dos and don'ts again, focus make sure we hire, as they manage their offices in mind. General she here we are talking about org national needs and employees needs. That one doesn't come up much. Msp 6, retention. We can only retain employees that are performing their jobs. If an employee is not performing well they should be removed, poor performance will be addressed and removed if they do not correct it. This is where a lot of our 43 performance absence entitle 5 is out of, with the pass and of the accountable ability. Title 5 employees, [ Inaudible ] employee training and development. This is the principle that we should provide good training to our employees, tied with needs of the agency. In a's relatively straight forward as well. Okay. Employee protection and merit based act. These tend to be the hotly litigated issues. The first one is neutrality. General principles and employees should be protected against arbitrary actions, personal favoritism, coercion or partisan political purposes, everything should be based on the merit of the employee and not other nonemployment related factors. Similarly, employees are prohibit from using their official office or influence for the purpose of interfering with or inter fearing the results of an election. That is likely eeo issues under the [ Inaudible ] process and that is really handled [ Inaudible ] this also the idea of the federal employees cannot be treated arbitrarily, this is in contrast to an "at-will" employment system I was talking about at the beginning. Basically the courts have interpreted federal employees have a proper interest in their employment. Government cannot take away [ Inaudible ] federal system, you know a supervisor can't come in on Monday and decide they don't like Dan's tie and therefore fire Dan. There has to be a cause and a reason and that is generally what our dismin narrow basis is based on, [ Inaudible ] and prevents actions that are reasons contrary to the public interest, that would be firing someone due to their political affiliation a is not how the federal system is supposed to work. This is really a lot of tied to the idea, I provided the information for you to really [ Inaudible ] no tolerance for political coercion and discrimination. We [ Inaudible ] traditional example of this is a supervisor cannot require all subordinates to attend a political fundraiser. The goes into more detail, outside the training, if you want more information go to osb.com. They have informative materials. As well as have desire to learn more about it. This one is a big hot topic right now. In the va and throughout the government, I am sure you have seen a lot of discussion about whistleblowers in the news and this is generally where all of that comes from. Employee should be protected against reprisal for the unlawful disclosure of information that the employees reasonably believes is a violation of the law and/or regulation. Mismanagement, [ Inaudible ] ] talk about more in a second. This one is closely related to the next one. This is the right. This is msp closely related to ppp which follows, don't do these things. And employees will take influences or recommends may not do so based on applicable disclosure or here, protected activity. This is [ Inaudible ] whistleblower disclosures. Ppp 9 is the same thing, based on a whistleblower disclosure it's based on a protected activity. And those are things like filing a grievance, filing appeal, testifying for someone in their appeal. Helping someone file an appeal or grievance in any of these forums or cooperating with the office inspector general or office of special council in an investigation. The last one is weird, it's not like the others. It is a protected activity used to obey an order violating a law or regulation. [ Inaudible ] just general information. The firm whistleblower does not require a third party, a judge or anyone else to say, yes, you are a whistleblower. All it is is someone makes a protected disclosure under the definition of the statue [ Inaudible ] engages -- they are a whistleblower. Protected disclosures, I listed out each of these categories from the statute. It must be one of these six things to count as a pro I can ited disclosure. Each one of these is heavily litigated, over whether something counts as a protected disclosure or not, whether it has a specific definition in the law. We don't have time to go through them all today, if you are interested osb .gov has a lot of materials. All right. I am not going over this example today, I encourage you to read t it's a basic example of whistleblower retaliation, when you get the answer to this is in the notes section, take a look at that again, we talked about this already. These are all the different kinds of protected activities as opposed to disclosures that makes someone a whistleblower. And the final -- ppp here is non-job related conduct. We can't discriminate for an employee [ Inaudible ] and therefore I gave here is an area where the osb has been directly active. Engaged in the law of sexual orientation as non-job related conduct. The example is a supervisor [ Inaudible ] and begins begins subjecting them to enhanced scrutiny beyond that which she gives to other employees. This is discrimination based on non-job related conduct. Somebody's sexual orientation don't have anything to do with performance a and we should not be acting or treating employees differently based on that [ Inaudible ] veterans reference, this is another area I am not going into. It's a whole body of law, it's initially veterans' preference [ Inaudible ] but this is a ppp to violate any of those veterans [ Inaudible ] is the take away here. Final ppp is a catch-all. It says it is a personnel action [ Inaudible ] so basically anything violating a merit system principle is a prohibited personnel practice under this catch-all provision. We see a lot of activity here with osb complaints. And last ppp basically says the agencies cannot enter into nondisclosure agreements without including language that the employees have, and I provided the language there. And this is a new one. Ppp 14 was added by the Kirk Patrick whistleblower protection act of 2017, prohibits employees from accessing the medical records of another employee, committing another ppp. Usually when people are violating this, they are committing two ppp's at once, whatever are the first one was, for example trying to violate veterans preference, and an effort to do that, if they accessed medical records they committed a second ppp. So I am going to fly through these because you don't really need to have a detailed understanding of them but I wanted you to know that they are out there. Primary responsibilities for addressing prohibited personnel practices is the office of special counsel, they receive complaints that an agency has submit add ppp from employees and they investigated, they may seek disciplinary action, they can act as a prosecutor. I outlined the details of how that process works here for you just so you have a general familiarity. Osc is mainly taking complaints. Osc receives whistleblower disclosure. And if they think it's valid they may investigate. Making a disclosure to osc makes you whistleblower. Msp maintains rules overall of this as well. I think as you are all probably familiar, they receive appeals for disciplinary action greater than 14 days. Once they refuse those types of appeals, they can consider whether it was based on prohibited retaliation, whistleblower retaliation and that calls an affirmative defense. And [ Inaudible ] listed other things here as well. And gets a lot of whistleblower retaliation complaints. They get individual right of action, so if an employee files a complaint a whistleblower retaliation with osc and osc doesn't do anything, the employee then has the right to speak with an administrative judge, that is individual right of action. Or if they have a termination that they would otherwise appeal they can raise whistleblower retaliation in this defense saying this discrimination is not justified, it is the status of whistleblower and the msp [ Inaudible ] office of inspector general, generally can receive complaints around a lot of these issues as well. They tend to investigate mainly things that are serious or involve criminal activity. Allegations of whistleblower retaliation, they will refer them to osc or oawp. So they play a role. We talked about the eeoc's role, overseeing discrimination issues. Office of personnel management. Play acerolas well. They handle classification appeals, job grading appeals, generalled to the [ Inaudible ] and for the va specifically. The big one and it's a hot topic for everybody in the hr in the va this is where I spend most of my time researching issues [ Inaudible ] this is put in place in 2017 which means in legal temples, it's a statute and we're still sorting out what the court's opinions are on a lot of interpretation issues and that is an on going process. It generally takes years for things to work their way through a court system [ Inaudible ] it has created the office of accountability and whistleblower protection, generally known oawp, carries latitude with poor performance conduct, [ Inaudible ] and 714 for federal total 5 employees. And also enhance the sections [ Inaudible ] okay. Is listed a lot of the things specifically that oawp does, also recently in October issued a directive. Va directive o 500 outlines all of those. This is just a lot of details on that. The biggest thing in terms of whistleblower protection, oawp can it it severe weather can receive whistleblower disclosures, it has the responsibility for actions taken under 714. 714 includes a profession if an employee has a pending whistleblower disclosure with oawp the va may not issue a decision until oawp or osc clears it it. Can issue a proposal and go through the process. [ Inaudible ] so that's just something to be aware if you are dealing with 714 action. It is a really strong protection for whistleblowers in the va system that other federal employees do not have. [ Inaudible ] that requires a little bit more of a process. That is unique to us. And last slides here are for your information, supervisor's responsibilities accountability act where supervisors have committed prohibited personnel action. Slight definition which mainly deal with [ Inaudible ] activities. Generally speaking that is what I have. We we are going to do a poll and q and a session. We have additional trainings available and I can go into more detail on some of these topics as needed. Feel free to reach out for us. [ Inaudible ] I think we are going to do -- I am not sure if we are doing the poll or 0 the q and a session next. Looks like we are going to do the poll next. I will ask Mike to get that set up. There are 10 questions here, multiple choice. I suggest you write down your answers, I am not going over 0 the answers until the end. And the multiple -- I will go through the answers. Which of the following is not a personnel action as used in msps and ppps. A being the subject of an administrative investigation. C detail, d, failure to renew a term appointment. Or e, performance evaluation. All right. Last call before we move on to the next one. Get it in now. Excellent. All right. Might be ready for the next one. Who responsible for upholding msps and avoiding ppps? Answer a, supervisor and manager whose make decisions about personnel actions. B, hr representative, c, all federal employees, d, all of the above, or e, none of the above. All right. You guys are pretty confident on that one. Okay. I think we can go on to the next one and I can probably let you know you guys got that one very correct. It is definitely all of the above. Next question. Which of the follow something not in line with merit system principle number one regarding the recruitment, selection and advancement? A, only posting an announcement on usa jobs. B requiring an application be submitted online only. C, basing selections only on the knowledge, skills and abilities of the applicants. D, all of the above. Oe, both a and b. I hope I'm not tripping you guys up with all of the above and both aa bond, always a fun part of multiple choice questions in my mind. Last call for responses. All right. Excellent. We can go on to the next one. Okay. Identify which of the following recommendations would be impermissible under ppp 2. Involving recommendations. A, a recommendation of a constituent by a member of Congress who has no personal knowledge their work performance. B recommendation a colleague based on observation of work performance over the past two years. C, a negative recommendation by a prior supervisor based on the employee's failure to meet the supervisor's deadlines. Da recommendation by a member of Congress regarding a former staffer who performed well during their prior employment. Or e, a recommendation by a professor regarding her former student's performance and dedication. Oh, woe, overwhelmingly confident, I can fairly say you got that correct as well. Move on to the next question. This is a little fact scenario for you. Selecting official is unhappy police myee was not found qualified for a job announcement. The hr representative assists in canceling an reissuing the apse nows to the applicant can attempt to qualify under a different type of an Junement. Hr representative recommends that the position be announced at a lower grade so the applicant can qualify and per selecting the official's request, limits the announcement to current employees at the location and closes the announcement after one week. The employee is then selected. Select the chons, a no, acting at the direction of a selecting official who made the decision. B, yes, because the selecting official impermissibly preselected the employee he thought he was a strong candidate. C, hr representative assisted the selecting official in granting an illegal preference to the applicant. D, no because canceling a job announcement and resitting it is not a personnel action. E, no because canceling a job announcement is always permissible. I will give you a little time because it is a little longer.

I will give you 10 seconds to yet your answer in. All right. Let's move on to the next one that one is a close call. A vacancy is being filled using an interview panel. A technical expert is on the panel but is not the selecting official. The technical expert's sister-in-law applied for the vacancy and granted an interview. Technical expert gives her sister-in-law a high rating for her interview. The panel does not agree and does not recommend the sister-in-law. Another applicant is selected. Has the technical experted submitted a ppp? No because the sister-in-law was not a relative. C, maybe, it depends on whether her assessment of her sister-in-law's interview was accurate. D, yes, because she advocated for the appointment of a relative. No, no, because the sister-in-law was not selected so there was no harm. Okay. Strong opinions on this one as well. Okay. 10 more seconds. Okay, still fairly confident I can end this poll now and tell you that the answer is in fact b since she advocated for the appointment of a relative: Here is another [ Inaudible ] in five minutes.

John complains to a supervisor that -- 20 to 30 minutes later day. John observes this happening, [ Inaudible ] complains to his supervisor and his supervisor doesn't correct it and he files a complaint about the supervisor allowing this to happen. Which of the following is true, John complaint to his superior is protected whistleblower disclosures. C John's complaint to oig is a protectioned it whistleblower disclosure. [ Inaudible ] e, both a and c. Meaning both the complaint to the supervisor and [ Inaudible ] okay 0, we can go ahead and five more seconds and close the polls. Okay. All right. Next question, what do the following is not a protected activity which it is prohibited to retaliate against an employee. A, none of the below, b all of the below. C, an employee helps their coworker file a union grievance by showing them the website and providing info on how to do that. An employee provides testimony during an osc investigation. E, an employee refuses to obey an illegal order. Okay. All right. 5 more seconds. All right. Let's close the poll as well. Okay. This is another fact pattern. Again this involves a veteran that is at the top of the certificate of eligible. He asks hr rep how to get around selecting the veteran. Hr rep finds the veteran has some type of reasonable accommodation and may not do the [ Inaudible ] for some reason they implement the [ Inaudible ] just for a second. Hr rep finds nothing of value. Has the hr rep committed a ppp? Yes because should access medical records. B, no because it was the reasonable accommodation office's job to maintain the confidential of the records. C, yes because she accessed the employee's medical records in furtherance of an effort to violate veterans' refence. D, no because the veteran was properly hired. Yeah, again you guys I will say nailed this one which is the medical records, last question. Okay, some of the merit systems principles don't have prohibited person Mel package that directly cover them. For example, msp 6 requires that poor performance, are these msp's enforce be? A, b, no because osc only has junction discounted over ppps. [ Inaudible ] violation of a law, rule or regulation implementing the msp's, or e, because ppp 12 says physician of msp is a ppp. Excellent. All right. We are done with the poll. And Mike, I am going to need to share my screen. Which can also be shared as well. We are running a little over, so two options for the answer question keys, you can e-mail that out to the participants so they can review their answers and can I move on to the q and a or go over. [ Inaudible ]

So you can reveal the answers. I'm sure they are curious.

Okay. Let me share my screen here and bring them up. I knew I was being a little ambitious trying to cover all this material in an hour, they are all important. All right. Here is the answer key. So can you guys see that? Question one, was about which one is not a personnel action, most of you got this right. It is the administrative investigation, and that is actually a brand new decision. Versus department of veterans affairs. Found an investigation only the bases of a ppp if it is connected with one of the person he will action. But investigation all by itself, no. Question 2. Who is response I believe, you nailed this one. Everyone. Everyone is responsible, hr rep, supervisor have special responsibility for all federal employees. Question 3 which of the follow something not in line with recruiting, selecting and advancement. 9 answer is both a and b. Posting jobs only not everyone is checking usa jobs, college students may not know it exists. Requiring online applications only, may also limit the applicants to those who have Internet or computer access on a regular basis. Now aways include -- and question 4 here. Identify which of the following recommendations. You nailed this one. Recommendation from Congress without any personal knowledge, that would not be permissible. I saw some people put professor one. Professor even though is not a supervisor would have known knowledge of somebody's knowledge skills, abilities and general character. That would work fine for us. All right. Question 5 was the example of the hr rep helping to get an employee qualified for a particular position. This is actually based on a case, the answer is c, hr representative committed a ppp if they assisted selecting official in granting in reference to the applicant. They bent the process over backwards to make sure this employee qualified and could get in and the supervisor could select them. This is based on special council provided the m sp citation. And the two involved [ Inaudible ] 10 day and 45 day sentence [ Inaudible ] it was the intent to give a preference in and of itself that violated the ppps. Not the type of action. So usually allowed to cancel an announcement. If you cancel it for the wrong reason, to give someone an advantage in the process, then it becomes [ Inaudible ] question 6 was the nepotism question which you guys all absolutely nailed. Yes, violated ppp, advocated for the appointment for a settlement. Question 7, was the one about reporting the coming in late and planning pp -- c, both a and c, there was a tendency in the answer you have to go to oib if you want to be a whistleblower disclosure, that is not true. If you report it to anyone in the agency, any agency official whether it's a secretary, your supervisor, you know, somebody in a different office, there are [ Inaudible ] reported if a whistleblower disclosure, very few limitations on how receives those disclosures, you can go to media, as long as you are not violating patient information, classified information is another one. Those have specific requirements as to who you can report to. General complaints like this, subordinate complaining to a supervisor counts as a whistleblower disclosure. Question 8, what is unprotected activity? Around that is b, all of the described activities [ Inaudible ] I worded that strangely, if you got that wrong, that was my fault. The point is, ppp are all activity prosecco teched under [ Inaudible ] question number, this is the one about the veterans preference and the effort to obtain information on medical records and you guys nailed this one. Yes, the ppp because she accessed the medical records in furtherance to violate veterans preference. And final question. Some of the msps don't have [ Inaudible ] directly cover them. You leaned heavily forward c. Ppp 12 says violation of msp is a ppp. It was a little bit a trick question. Generally, yes, if you violate an msp, it is going to be a ppp, technically, the ppp 12 states it is a violation [ Inaudible ] personnel action if doing so violates any regulation implementing or directly concerning msp, in reality this is a distinction without a different point that I would make here, [ Inaudible ] read these things carefully if you are doing work related to them. You know, it's conceivable but unlikely that you can have a violation of an msp that doesn't violate a rule or regulation, never seen that happen but it's their receipt I cannily possible. That was mean of me to ask that. Those are my questions and answers, I am ready to move on to the.

Box that shows now in the middle of the screen? So, all of our participants should see at the very bottom of the committee box in another chat area, so make sure you're not typing into the chat window. [ Event concluded ] This message is intended only for the use of the Addressee and may contain information that is PRIVILEGED and CONFIDENTIAL. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.