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# Are You Down With PPP? A Look at Prohibited Personnel Practices in the United States Government

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Abstract: This article discusses the prevalence of identified proscribed personnel practices, and the power dynamics of such identifications among federal employees.

The United States (US) Merit Systems Protection Board has recently submitted Prohibited Personnel Practices—A Study Retrospective (June 2010) to the US President, President of the Senate, and Speaker of the House of Representatives. This report is required by law according to 5 U.S.C. 1204(a)(3) and formally intended to assess the prevalence of proscribed personnel practices (ppp) as identified by 5 U.S.C. 2302 (b) within the US Government.

Even if not the euangelion, there are good news and glad tidings to report. Much of what is generally considered sordid in human affairs and forbidden by the Decalogue is not included within the 12 ppp—a relief, perhaps, to many of us who worry about throwing stones in glass houses. The dirty dozen do include (1) discriminating against an employee or applicant based on race, color, religion, sex, national origin, age disability marital status, or political affiliation;; (2) soliciting or considering recommendations not job-related and based on personal knowledge of the employee or applicant; (3) coercing the political activity of any person; (4) deceiving or obstructing any person from competing for employment; (5) influencing anyone to withdraw from competition for employment; (6) giving unauthorized preference or advantage to an employee or applicant; (7) giving employment advantage to relatives; (8) retaliating against employees or applicants for whistleblowing ; (9) retaliating against employees or applicants for filing an appeal, complaint, or grievance; (10) discriminating based on personal conduct not job related; (11) violating veterans' preference requirements; and (12) taking or failing to take any personnel action violating any law, rule, or regulation directly concerning merit system principles. It would take us far removed to inquire why these 12 proscriptions are on the hit list, why others are not, or how they might appear within the circles of Dante's Inferno or, more generously, along the climb of Purgatorio.

Based largely on 8 administrations of the Government Merit Principles Surveys to Federal employees from 1983 through 2007—note that a 2009-2010 “multi-pronged research effort” is now being readied—trends seem to be favorable in the eyes of those believing that Federal employees should comply with (if not internalize and identify with) the proscriptions. The graphical data in the 2010 report [displayed from 1992 through 2007] are largely suggestive of decreases in ppp prevalence. Examples include a decrease from over 14% to under 5% from 1996 through 2007 in percentage of employees “perceiving” discrimination (denial of a job, promotion, or pay increase) based on race/national origin; a decrease from about 28% to 15% in perceptions of such discrimination by employees 60 or older from 1996 through to 2007; a range of only 1.1% to 2.3% for perceptions of discrimination by disability, religion, marital status, and political affiliation in 2005; a decrease from 12% to 6% in perceiving retaliation for exercising the right of appeal between 1996 through 2007; and a decrease from 28% to 15% in perceptions of unfair advantage given to another from 1986 through 2007.

A more sophisticated reading of the data beyond that of the most significant differences through time for specific groups of people or specific proscriptions shows that there is at least some variance between

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racial and ethnic groups, genders—i.e., some groups of employees are doing better or worse than others. The same applies to different proscriptions—e.g, retaliation for exercising the right of appeal seems to be more problematic than that for reporting sexual harassment. And there do seem to be some problematic increases—e.g., in perceptions of denial of a job or promotion due to a competitor's unfair advantage as reported by "American Indians" from 2005 through 2007. And the more righteously indignant of us might voice shock that all proscriptions are not estimated at 0% prevalence.

As well, the nature of the survey process deserves some analysis. The data depicted as "perceptions" of ppp on the part of respondents are, of course, nothing of the sort. Instead, they are verbal responses to questions with unknown association with what employees might really think or feel and with a vast host of social, cultural, economic, political, personal and other contextual variables. In other words, talking the talk may not be walking the walk or associated with any walk at all.

And a reading of the data on ppp based on the philosopher Michel Foucault's writings on knowledge and power might suggest that the 2010 (US) Merit Systems Protection Board document has implications beyond who's been naughty and who's been nice. In this reading, the sanctions for ppp would serve as vehicles to control people and be controlled by people, of who has formal and de facto authority and who gains and loses it, of interpretive strategies for social behavior that weaken notions of personal agency even as ascriptions of personal agency become an ethical foundation of blame by those who police ppp. Whether through the vagaries of determinism or of free will, ironically, ethical substance becomes subverted by ethical sanctions. If Foucault is correct, as far as a post-structuralist can be, then the employee can either be at the mercy of or be the purveyor of mercy optionally or otherwise in a system (1) largely effected in a decentralized fashion even as it is promulgated from a Central Office; (2) implemented in and by discrete loci of authority even as it is everywhere; and (3) promulgated in a manner both ambiguous and relativistic even as the proscriptions are literally conveyed. The ppp sanctions are masks for a power grab not for a reconstituted ethics.

Another useful perspective is from the sociologists Peter Berger and Thomas Luckmann. Here the ppp and associated programs—i.e., to identify ppp and those employees involved, to develop and implement sanctions, and to evaluate all of this—are institutionalizations of social roles reciprocally acted out by employees. The roles themselves have been founded on mental representations of behaviors that have become habituated through time. In other words, the claim that such programs are largely political may or may not be true in the small sense of conflicts among small minded people, but seems to be the case in the large sense of shaping a dynamic reality—again with consequences for power—within which we live.

In any system wherein there are proscriptions, some people will be identified as nice and some as naughty, sometimes warranted, sometimes not. Goodness for all is unattainable. Perhaps, humanity is just naughty by nature.

References. Berger, P., & Luckmann, T. (1966). *The social construction of reality*. NY: Anchor; Foucault, M. (1977). *Discipline and punish*. (Trans. A. Sheridan). NY: Pantheon.

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