

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES  
PART III - EMPLOYEES  
Subpart A - General Provisions  
CHAPTER 23 - MERIT SYSTEM PRINCIPLES  
SECTION 2301 - MERIT SYSTEM PRINCIPLES

**§ 2301. Merit system principles**

- (a) This section shall apply to -
- (1) an Executive agency; and
  - (2) the Government Printing Office.
- (b) Federal personnel management should be implemented consistent with the following merit system principles:
- (1) 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.
  - (2) 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.
  - (3) 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.
  - (4) All employees should maintain high standards of integrity, conduct, and concern for the public interest.
  - (5) The Federal work force should be used efficiently and effectively.
  - (6) 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.
  - (7) Employees should be provided effective education and training in cases in which such education and training would result in better organizational and individual performance.
  - (8) Employees should be -

- (A) protected against arbitrary action, personal favoritism, or coercion for partisan political purposes, and
  - (B) 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.
- (9) Employees should be protected against reprisal for the lawful disclosure of information which the employees reasonably believe evidences -
- (A) a violation of any law, rule, or regulation, or
  - (B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.
- (c) In administering the provisions of this chapter -
- (1) with respect to any agency (as defined in section 2302(a)(2)(C) of this title), the President shall, pursuant to the authority otherwise available under this title, take any action, including the issuance of rules, regulations, or directives; and
  - (2) with respect to any entity in the executive branch which is not such an agency or part of such an agency, the head of such entity shall, pursuant to authority otherwise available, take any action, including the issuance of rules, regulations, or directives; which is consistent with the provisions of this title and which the President or the head, as the case may be, determines is necessary to ensure that personnel management is based on and embodies the merit system principles.

Source: (Added Pub. L. 95-454, title I, § 101(a), Oct. 13, 1978, 92 Stat. 1113; amended Pub. L. 101-474, § 5(c), Oct. 30, 1990, 104 Stat. 1099.)

### **AMENDMENTS**

1990 - Subsec. (a). Pub. L. 101-474 redesignated par. (3) as (2) and struck out former par. (2) which provided that this section is applicable to Administrative Office of United States Courts.

### **EFFECTIVE DATE**

Chapter effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as an Effective Date of 1978 Amendment note under section 1101 of this title.

### **SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 2302, 4107, 4313, 5379 of this title; title 10 sections 1612, 1722; title 22 section 3902; title 31 section 732; title 41 section 433; title 42 section 2297b-4.