

U.S. Office of Special Counsel

Fact Sheet on Complaints Concerning Reductions in Force

The following fact sheet provides general information. It is not a legal or advisory opinion. OSC cannot provide you with legal or practical advice on deciding which remedy is best for you. You may wish to research the issues or consult with others – including an attorney – on this matter.

What is a Prohibited Personnel Practice (PPP)?

PPPs are employment-related activities that are banned in the federal workforce because they violate the merit system through some form of employment discrimination, retaliation, improper hiring practices, or failure to adhere to laws, rules, or regulations that directly concern the merit system principles.

Who can file a PPP?

OSC has jurisdiction over PPPs committed against most employees, applicants for employment, and former federal employees in executive branch agencies and the Government Publishing Office. However, there are some agencies over which OSC does not have authority or has limited authority. Please see our website for more information about OSC's [jurisdictional limitations](#).

Can a Reduction in Force (RIF) be a PPP?

A RIF is an administrative procedure by which an agency eliminates jobs for reasons including lack of work or reorganization. Employees impacted by a RIF may be subject to furloughs, demotion, reassignment, and removal. Office of Personnel Management (OPM) regulations govern how a RIF must be conducted; those regulations can be found at 5 C.F.R., Part 351. Additional information can also be found on the OPM [website](#).

A personnel action taken against an employee as the result of a RIF **may** be a PPP. For instance, if you believe that you were targeted for a RIF for a prohibited reason, such as retaliation, the personnel action taken may be a PPP.

Can individuals file a union grievance or MSPB appeal and OSC complaint on the same issue?

In some circumstances, individuals who wish to challenge a personnel action may be required to do so through one of three different processes: (1) a direct appeal to the MSPB under Chapter 77 (i.e., an appeal of a removal, demotion, suspension greater than 14 days, and other significant personnel actions); (2) a grievance through the negotiated grievance procedure (i.e., union grievance); or (3) a complaint with OSC. **Most individuals are limited, by law, to choosing only one of those forums.**

There may be advantages and disadvantages to choosing each forum. For instance, collective bargaining agreements and MSPB appeals generally involve deadlines in filing for relief. On the other hand, filing claims *other than retaliation* with OSC likely means giving up your right to further appeal those claims to the MSPB and/or a federal court if OSC closes your case.

More information about how the MSPB handles RIF appeals is available in this [fact sheet](#), which is posted on the MSPB's [website](#).

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What can OSC do if it finds that the personnel action taken as the result of a RIF is a PPP?

OSC's determination depends on whether the facts of the case appear to satisfy all of the requirements of the law. If the evidence does not suggest that OSC could prove that a PPP occurred, OSC will close your complaint. If we are able to prove that a PPP occurred, OSC can send a PPP report to the agency and, if necessary, petition the Merit Systems Protection Board (MSPB) for corrective action.