

## **Rights of Federal Employees**

Are you a non-military employee of the federal government? Has your job been threatened by a disciplinary action? Have you been the victim of discrimination of any kind? Are you aware of waste occurring in your workplace, but don't know where to turn?

Civilian employees of the federal government are by far the most well-protected class of employees in the world. The employment rights enjoyed by most employees in private industry, such as freedom from discrimination, and the right to bargain collectively, are preserved for federal civilian employees, who also have a variety of additional rights and protections not ordinarily enjoyed outside of federal employment.

Many of the rights specific to federal employees are codified in Title 5 of the United States Code. In addition to the rights of employees in private industry, federal employees enjoy the benefits of:

1. The right to job tenure via federal civil service (as an alternative to union protection), including the right to dispute, via a hearing process, a federal agency's justification for many adverse employment actions (Title 5, Chapter 31), through the Office of Special Counsel (5 U.S.C. §1212) and the Merit Systems Protection Board (5 U.S.C. §1204)
2. The right to the proper classification of their position, including a right to appeal an employing agency's perceived misclassification of a position (5 U.S.C. §5101)
3. The right to be free from "prohibited personnel practices" (5 U.S.C. §2302)
4. The right to be free from retaliation for reporting government waste, mismanagement and/or misconduct by public officials ("whistleblowing")(5 U.S.C. §2302(b)(8))

A federal employee will ordinarily be able to "elect" between remedies provided by their union and statutory remedies. For example, in the case of an adverse employment action, an employee may usually elect to file a grievance through the union or an appeal to the Merit Systems Protection Board, but may not pursue both.

If you have any questions regarding any issues involving the rights of federal civilian employees, please contact me for a free consultation at 1-877-LAW-2555 or send an e-mail inquiry to [keith@scaringilaw.com](mailto:keith@scaringilaw.com).

Keith E. Kendall  
Attorney-at-Law  
Scaringi & Scaringi, PC

© Scaringi & Scaringi, PC