

LABOR RELATIONS



RECEIVED

December 4, 2020

DEC 8 2020

Mr. Brian J. Wagner
President
National Association of Postal
Supervisors
1727 King Street, Suite 400
Alexandria, VA 22314-2753

Dear Mr. Wagner:

As a matter of general interest, the Postal Service will be revising the Employee and Labor Relations Manual (ELM). Revisions are made in the wording of "sex" discrimination to be consistent with the recent Supreme Court Decision issued in June 2020.

We have enclosed two copies of the relevant ELM sections, one with and one without changes identified. We are also enclosing the relevant section of the above-mentioned Supreme Court Ruling.

Please contact Bruce Nicholson at extension 7773 if you have questions concerning this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "David E. Mills", with a stylized flourish at the end.

David E. Mills
Manager
Labor Relations Policies and Programs

Enclosures

Opinion of the Court

before us. So while other employers in other cases may raise free exercise arguments that merit careful consideration, none of the employers before us today represent in this Court that compliance with Title VII will infringe their own religious liberties in any way.

*

Some of those who supported adding language to Title VII to ban sex discrimination may have hoped it would derail the entire Civil Rights Act. Yet, contrary to those intentions, the bill became law. Since then, Title VII's effects have unfolded with far-reaching consequences, some likely beyond what many in Congress or elsewhere expected.

But none of this helps decide today's cases. Ours is a society of written laws. Judges are not free to overlook plain statutory commands on the strength of nothing more than suppositions about intentions or guesswork about expectations. In Title VII, Congress adopted broad language making it illegal for an employer to rely on an employee's sex when deciding to fire that employee. We do not hesitate to recognize today a necessary consequence of that legislative choice: An employer who fires an individual merely for being gay or transgender defies the law.

The judgments of the Second and Sixth Circuits in Nos. 17–1623 and 18–107 are affirmed. The judgment of the Eleventh Circuit in No. 17–1618 is reversed, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.

Employee and Labor Relations Manual

March 2019 – Page 35

3 Employment and Placement

310 General Provisions

311.12 Prohibition of Discrimination

It is the policy of the Postal Service that all employees and applicants for employment be afforded equal opportunities in employment without regard to race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status) national origin, religion, age (40 or over), genetic information, disability, or retaliation for engaging in an EEO-protected activity. As part of its program of equal employment opportunity, the Postal Service prohibits discrimination or harassment based on any of these categories. In addition, it is also the policy of the Postal Service to prohibit discrimination or harassment based on political affiliation, marital status; status as a parent; and past, present, or future military service. Position changes and advancement are based solely on merit, applicable experience, and knowledge, skills, and abilities.

Employee and Labor Relations Manual

March 2019 – Page 38 and 39

3 Employment and Placement

340 Suitability, Selection, and Appointment

342 Pre-employment Suitability Determinations

To maintain public trust and confidence in the reliability and integrity of its employees, the Postal Service must evaluate the overall suitability of applicants for postal employment prior to consideration and selection.

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- (2) Other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

Employee and Labor Relations Manual

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3 Employment and Placement

344 Hiring Worksheets

344.3 Appointing Official Responsibilities

The selecting official must make selections for appointment from external Hiring Lists using the *rule of three* (see 344.4). Selections must be made on the basis of merit. It is the policy of the Postal Service not to discriminate in personnel decisions on the basis of:

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- (2) Other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

Employee and Labor Relations Manual

March 2019 – Page 45

3 Employment and Placement

350 Assignment, Reassignment, and Promotion

351.4 Equal Opportunity

Postal Service policy provides all qualified employees an equal opportunity for assignments and promotions. Assignments and promotions must be based on merit and the relevant experience, training, knowledge, skills, and ability required for the positions being filled. It is the policy of the Postal Service not to discriminate in personnel decisions on the basis of:

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Employee and Labor Relations Manual

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3 Employment and Placement

360 Other Personnel Actions

361 General Considerations

It is the policy of the Postal Service to prohibit discrimination and harassment in personnel decisions on the basis of 1) race, color, sex (including pregnancy, sexual orientation, and gender identity), national origin, religion, age (40 or over), genetic information, disability, or retaliation for engaging in an EEO-protected activity as provided by law, or 2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service. Career advancement is based solely on merit, applicable experience, and knowledge, skills, and abilities.

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3 Employment and Placement

380 Postal Career Executive Service

382 Equal Opportunity

The principles of equal opportunity apply to all aspects of the PCES, including executive reassignment, training and development, evaluation, compensation, and awards. The Postal Service considers individuals seeking entry into the PCES without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, age (40 or over), genetic information, disability, retaliation for engaging in an EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

Employee and Labor Relations Manual

March 2019 – Page 247

4 Pay Administration

490 Recognition and Awards

492 Certificate of Appreciation

492.4 Eligibility

Career and non-career employees, contractors, suppliers, and customers are eligible to receive the Certificate of Appreciation. Eligibility for a Certificate of Appreciation is without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, age (40 or over), genetic identification, disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

Employee and Labor Relations Manual

March 2019 – Page 250

4 Pay Administration

490 Recognition and Awards

493 Service Awards

493.22 Basis

The Service Award Pin is presented to career employees who have completed 25, 30, 35, 40, 45, or 50 years of creditable service to the government. All federal civilian and military service is considered creditable. Eligibility for the Service Award is without regard to (1) race, color, sex (including pregnancy, sexual orientation, gender identity, including pregnancy, national origin, religion, age (40 or over), genetic identification, disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

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4 Pay Administration

490 Recognition and Awards

493.3 Service Award Certificates

493.32 Basis

493.321 Retirement

The Retirement Service Award Certificate recognizes employees who retire (a) under the optional provisions of the applicable retirement law, (b) due to disability, or (c) under mandatory retirement for postal inspectors. Eligibility for the Retirement Service Award Certificate is without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, age (40 or over), genetic information, disability or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

493.322 Death

To honor employees with 5 or more years of creditable service who die while still employed, the Posthumous Service Award Certificate is presented to the nearest relative. *Creditable service* is defined as service that qualifies for retirement under the procedures for the Civil Service Retirement System (CSRS) or Federal Employees Retirement System (FERS). Eligibility for the Posthumous Service Award Certificate is without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, national origin, religion, age (40 or over), genetic information, disability, or EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

Employee and Labor Relations Manual

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4 Pay Administration

490 Recognition and Awards

494 Informal Awards

494.4 Eligibility

All employees and contractors are eligible to receive an Informal Award. Eligibility for the Informal Award is without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, age (40 or over), genetic information, disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

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4 Pay Administration

490 Recognition and Awards

495 Formal Awards

495.3 Non-career Gift Certificates

495.33 Eligibility

All non-career career employees are eligible to receive Non-career Gift Certificate Awards. Eligibility for the Non-career Gift Certificate Award is without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, age (40 or over), genetic information, disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

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4 Pay Administration

490 Recognition and Awards

495 Formal Awards

495.4 Quality Step Increase Award

495.42 Eligibility

All career bargaining unit employees not already at the top step for their pay grade are eligible to receive the QSI. An employee cannot receive more than one QSI in any 52-week period. Eligibility for the QSI is without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, age (40 or over), genetic information, disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

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4 Pay Administration

490 Recognition and Awards

495 Formal Awards

495.2 Spot Awards

495.23 Eligibility

All non-Inspection Service career employees are eligible to receive Spot Awards. Eligibility for Spot Awards is without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, age (40 or over), genetic information, disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

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4 Pay Administration

490 Recognition and Awards

496 Special Awards

496.2 Team Award

496.23 Eligibility

All career non-bargaining employees are eligible for the Team Award. Eligibility for the Team Award is without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, age (40 or over), genetic information, disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

Employee and Labor Relations Manual

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4 Pay Administration

490 Recognition and Awards

496 Special Awards

496.3 Vice President Award

496.33 Eligibility

All career employees are eligible for the Vice President Award. Eligibility for the Vice President Award is without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, age (40 or over), genetic information, disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

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4 Pay Administration

490 Recognition and Awards

496 Special Awards

496.4 Postmaster General Award

496.43 Eligibility

All career employees are eligible for the Postmaster General Award. Eligibility for the Postmaster General Award is without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, age (40 or over), genetic information, disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

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4 Pay Administration

490 Recognition and Awards

496 Special Awards

496.5 ELT Award

496.53 Eligibility

All career employees are eligible for the ELT Award. Eligibility for the ELT Award is without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, age (40 or over), genetic information, disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

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4 Pay Administration

490 Recognition and Awards

496 Special Awards

496.6 Ben Franklin Award

496.62 Eligibility

The Postmaster General designates those to be honored and does not accept recommendations. Eligibility for the Ben Franklin Award is without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, age (40 or over), genetic information, disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

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4 Pay Administration

490 Recognition and Awards

497 Other Awards

497.2 Contest Award

497.23 Eligibility

All employees are eligible to participate in contests without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, age (40 or over), genetic information, disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

Employee and Labor Relations Manual

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6 Employee Relations

610 Employee Services

615 Social Recreational Program

615.2 Discrimination

It is the policy of the Postal Service to provide equal employment opportunity for everyone, without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, age (40 and above), genetic information, disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service. This policy applies to all employment matters, including but not limited to, recruitment, hiring, assignments, promotions, transfers, benefits, and discipline. Such discrimination is thus prohibited in employee social and recreational programs.

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6 Employee Relations

620 Contests

625 Implementation

625.1 Eligibility

Employees are eligible to participate in all contests without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, age (40 or over), genetic information, disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

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6 Employee Relations

660 Conduct

665 Postal Service Standards of Conduct

665.2 Prohibited Conduct

665.23 Discrimination

Employees acting in an official capacity must not directly or indirectly authorize, permit, or participate in any action, event, or course of conduct that subjects any person to discrimination, or results in any person being discriminated against on the basis of (1) race, color, sex (including pregnancy, sexual orientation, or gender identity, including transgender status), national origin, religion, age (40 or over), genetic information, disability, or retaliation for EEO protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital parental status; status as a parent, and past, present, or future military service.

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6 Employee Relations

660 Conduct

666 Prohibited Personnel Practices

666.12 Prohibited Discrimination

The following provisions apply:

- a. *Political Affiliation.* No discrimination may be exercised, threatened, or promised by any person or in favor of any employee, eligible, or applicant because of political affiliation except as may be authorized or required by law.
- b. *Individual Status.* No person may be discriminated against because of (1) race, color, sex (including pregnancy, sexual orientation, or gender identity, including transgender status), national origin, religion, age (40 or over), genetic information, disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent, and past, present, or future military service in connection with examination, appointment, reappointment, reinstatement, reemployment, promotion, transfer, demotion, removal, or retirement.

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6 Employee Relations

660 Conduct

666.2 Remedies

666.22 Equal Employment Complaint Procedures

Any employee or applicant may file a complaint alleging discrimination based on (1) race, color, sex (including pregnancy, sexual orientation, or gender identity including transgender status), national origin, religion, age (40 or over), genetic information, disability, or retaliation for EEO-protected activity, or (2) other non-meritorious factors such as political affiliation, marital status, status as a parent, and past, present, or future military service within 45 days of the event believed to be discriminatory. For details, see Publication 133, *What You Need to Know About EEO*.

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6 Employee Relations

670 Diversity, Equal Employment Opportunity, and Prevention of Employment Discrimination

671 Diversity Overview

All employees share responsibility for achieving the Postal Service's goals to build a diverse and inclusive workforce in which all employees are afforded equal employment opportunity. The Postal Service believes that its efforts to achieve this goal will enhance the ability of the Postal Service and its employees to accomplish the following:

- Deliver the high level of service demanded by its customers and the competitive environment.
- Meet its responsibilities to the American public.

The Postal Service promotes:

- The diversity of its workforce. We strive to build an inclusive environment that respects the uniqueness of every individual and encourages the contributions of people from different backgrounds, experiences, and perspectives.
- Diversity and inclusion in a manner that instills confidence that employment decisions are made in accordance with our equal employment opportunity policies — where all employees are treated fairly based on merit and neither advantaged nor disadvantaged based on factors like 1) race, color, sex (including pregnancy, sexual orientation, or gender identity including transgender status), national origin, religion, age (40 or over), genetic information, disability, or retaliation for EEO-protected activity as provided by law, or 2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

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6 Employee Relations

670 Diversity, Equal Employment Opportunity, and Prevention of Employment Discrimination

673 Postal Service Policy

673.5 Complaint Process

Depending on the nature of the complaint and the status of the employee, Postal Service employees may use several processes to pursue complaints against the Postal Service for alleged violations of the Postal Service's equal employment opportunity and anti-discrimination policies.

For more information on these processes, see sections [666.2](#) and [666.3](#), which include a process to pursue complaints for discrimination that complies with the Equal Employment Opportunity Commission's regulations.

The Postal Service is committed to fair treatment of all its employees. Harassment and disparate treatment based on sex (including pregnancy, sexual orientation, and gender identity including transgender status) are not permitted or condoned.

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6 Employee Relations

670 Diversity, Equal Employment Opportunity, and Prevention of Employment Discrimination

673 Postal Service Policy

673.6 Accountability for Diversity and Inclusion, Equal Employment Opportunity, and Prevention of Discrimination

673.61 Employees

All employees are expected to treat coworkers with dignity and respect. Employees must refrain from workplace harassment or other discrimination based on the following:

- 1) Race, color, sex (including pregnancy, sexual orientation, or gender identity including transgender status), national origin, religion, age (40 or over), genetic information, disability, or retaliation for engaging in an EEO-protected activity.
- 2) Other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

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7 Training and Development

710 Overview

713 Selections

713.1 Equal Opportunity Policies

The selection or non-selection of employees to participate in training must not be based on race, color, sex (including pregnancy, sexual orientation, or gender identity (including transgender status), national origin, religion, age (40 or over), genetic information, disability, or retaliation for engaging in an EEO-protected activity. As part of its program of equal employment opportunity, the Postal Service prohibits discrimination or harassment based on any of these categories. In addition, it is also the policy of the Postal Service to prohibit discrimination or harassment based on other non-meritorious factors such as political affiliation, marital status, status as a parent; and past, present, or future military service.

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7 Training and Development

721 Organizational Responsibilities and Functions

721.2 Areas

The area Human Resources function is responsible for administering training and development policies. These responsibilities include:

- a. Supervising the development and implementation of an area training and development planning system.
- b. Facilitating the flow of information and recommendations about existing training and development policy, efforts, and future needs between Headquarters and the districts.
- c. Strengthening the ability of district training and development professionals to (1) understand policy and to contribute to policy development, (2) administer national programs, and (3) respond to local needs.
- d. Monitoring districts' compliance with Equal Employment Opportunity (EEO) laws by ensuring that talented individuals are being developed in a fair and equitable manner, without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity including transgender status), national origin, religion, age (40 or over), genetic information, disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.
- e. Monitoring districts' compliance with placing special emphasis on providing training opportunities to employees with targeted disabilities.
- f. Increasing the level of management commitment to training and development and improving the work environment.

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7 Training and Development

721 Organizational Responsibilities and Functions

721.3 Districts

District managers, plant managers, and other installation heads are responsible for the training and development of their employees consistent with corporate business goals and strategic plans. District training responsibilities and functions include:

- a. Establishing training and development units within national guidelines.
- b. Implementing training and development staffing criteria within national guidelines.
- c. Establishing and implementing training and development space allocations according to Handbook AS-504, *Space Requirements*.
- d. Ensuring that national training courses taught locally are not changed in objective, length, or content without the prior approval of ERM.
- e. Ensuring appropriate use of electronic training databases.
- f. Monitoring training and its compliance with national training and development policies.
- g. Establishing and implementing other measures to ensure successful operation of the organization's training and development requirements.
- h. Coordinating district training requirements with ERM.
- i. Developing or acquiring, and delivering or coordinating, district training in accordance with established guidelines.
- j. Ensuring that talented individuals are being developed in a fair and equitable manner, without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity including transgender status), national origin, religion, age (40 or over), genetic information, disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.
- k. Ensuring that special emphasis is placed on providing training opportunities to employees with targeted disabilities.

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7 Training and Development

740 Non-Postal Training Policy

741.24 Restrictions

741.242 Prohibited Training Vendors

The Postal Service does not pay non-postal training costs if a training vendor meets any of the following conditions:

- a. Discriminates because of (1) race, color, sex (including pregnancy, sexual orientation, or gender identity including transgender status), national origin, religion, age (40 or over), genetic information, disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent, and past, present, or future military service.
- b. Engages in lobbying and support of political campaigns as a substantial part of its activities.
- c. Is a college or university that does not have accreditation from one of the accrediting bodies recognized by the U.S. Department of Education.

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8 Safety, Health, and Environment

840 Safety Awareness Programs

842.2 Safe Driver Award Program

842.23 Participation

Postal installations having one or more postal employees operating postal-owned, hired, leased, contract, or private vehicles in conducting postal business must participate in the Safe Driver Award Program. All postal personnel operating motor vehicles on official business are eligible to participate in the Safe Driver Award Program under the rules for administering the National Safety Council's Safe Driver Award Plan (Postal Service edition). Eligibility for participation is without regard to (1) race, color, sex (including pregnancy, sexual orientation, or gender identity including transgender status), national origin, religion, age (40 or over), genetic information, disability, or retaliation for EEO-protected activity, and (2) other non-meritorious factors such as political affiliation, marital status; status as a parent, and past, present, or future military service.

Employee and Labor Relations Manual

March 2019 – Page 35

3 Employment and Placement

310 General Provisions

311.12 Prohibition of Discrimination

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Employee and Labor Relations Manual

March 2019 – Page 38 and 39

3 Employment and Placement

340 Suitability, Selection, and Appointment

342 Pre-employment Suitability Determinations

To maintain public trust and confidence in the reliability and integrity of its employees, the Postal Service must evaluate the overall suitability of applicants for postal employment prior to consideration and selection.

It is the policy of the Postal Service not to discriminate in personnel decisions on the basis of:

- (1)a–Race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status and gender stereotypes), national origin, religion, age (40 or over), genetic information, disability, or retaliation for engaging in an EEO-protected activity and uniformed service, or
- (2)b–Other non-meritorious factors such as age, genetic information, sexual orientation, marital status, political affiliation, marital status, and status as a parent, and past, present, or future military service.

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3 Employment and Placement

344 Hiring Worksheets

344.3 Appointing Official Responsibilities

The selecting official must make selections for appointment from external Hiring Lists using the *rule of three* (see 344.4). Selections must be made on the basis of merit. It is the policy of the Postal Service not to discriminate in personnel decisions on the basis of:

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(2)b- Other non-meritorious factors such as age, genetic information, sexual orientation, marital status, political affiliation, marital status, and status as a parent, and past, present, or future military service.

Employee and Labor Relations Manual

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3 Employment and Placement

350 Assignment, Reassignment, and Promotion

351.4 Equal Opportunity

Postal Service policy provides all qualified employees an equal opportunity for assignments and promotions. Assignments and promotions must be based on merit and the relevant experience, training, knowledge, skills, and ability required for the positions being filled. It is the policy of the Postal Service not to discriminate in personnel decisions on the basis of:

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Commented [AJ-WD2]: Can we delete this sentence so it is listed only once?

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(2)b- Other non-meritorious factors such as age, genetic information, sexual orientation, marital status, political affiliation, marital status, and status as a parent, and past, present, or future military service.

Employee and Labor Relations Manual

March 2019 – Page 57

3 Employment and Placement

360 Other Personnel Actions

361 General Considerations

It is the policy of the Postal Service to prohibit discrimination and harassment in personnel decisions on the basis of (1a) race, color, ~~religion~~, sex (including pregnancy, sexual orientation, and gender identity ~~and gender stereotypes~~), national origin, ~~religion~~, age (40 or over), genetic information, and disability, or retaliation for engaging in an EEO-protected activity as provided by law, or (2b) other non-meritorious factors such as ~~genetic information, sexual orientation, marital status,~~ political affiliation, marital status, status as a parent, and past, present, or future military service. Career advancement is based solely on merit, applicable experience, and knowledge, skills, and abilities.

Commented [AJ-WD3]: The other sections have an added space and (2) starts on a new line for consistency purposes I'm not sure if this matters (almost every page after this has the same format, not sure which one is best, but I'm wondering if they should all be the same since it will be in the same manual)

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3 Employment and Placement

380 Postal Career Executive Service

382 Equal Opportunity

The principles of equal opportunity apply to all aspects of the PCES, including executive reassignment, training and development, evaluation, compensation, and awards. The Postal Service considers individuals seeking entry into the PCES without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, age (40 or over), genetic information, disability, retaliation for engaging in an EEO-protected activity as provided by law national origin, political affiliation, marital status, disability, or (2) any other non-meritorious factors or considerations such as political affiliation, marital status, status as a parent, and past, present, or future military service.

Commented [AJ-WD4]: See above note

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490 Recognition and Awards

492 Certificate of Appreciation

492.4 Eligibility

Commented [AJ-WD5]: See above

Career and noncareer employees, contractors, suppliers, and customers are eligible to receive the Certificate of Appreciation. Eligibility for a Certificate of Appreciation is without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), religion, national origin, religion, sex, age (40 or over), genetic identification, or presence of physical or mental disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status, status as a parent, and past, present, or future military service.

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4 Pay Administration

490 Recognition and Awards

493 Service Awards

493.22 Basis

The Service Award Pin is presented to career employees who have completed 25, 30, 35, 40, 45, or 50 years of creditable service to the government. All federal civilian and military service is considered creditable. Eligibility for the Service Award is without regard to (1) race, color, sex (including pregnancy, sexual orientation, gender identity, including pregnancy, national origin, religion, national origin, sex, age (40 or over), genetic identification, or presence of physical or mental disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

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4 Pay Administration

490 Recognition and Awards

493.3 Service Award Certificates

493.32 Basis

493.321 Retirement

The Retirement Service Award Certificate recognizes employees who retire (a) under the optional provisions of the applicable retirement law, (b) due to disability, or (c) under mandatory retirement for postal inspectors. Eligibility for the Retirement Service Award Certificate is without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, national origin, sex, age (40 or over), genetic information, or presence of physical or mental disability or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

493.322 Death

To honor employees with 5 or more years of creditable service who die while still employed, the Posthumous Service Award Certificate is presented to the nearest relative. *Creditable service* is defined as service that qualifies for retirement under the procedures for the Civil Service Retirement System (CSRS) or Federal Employees Retirement System (FERS). Eligibility for the Posthumous Service Award Certificate is without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, national origin, religion, national origin, sex, age (40 or over), genetic information, or presence of physical or mental disability, or EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

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4 Pay Administration

490 Recognition and Awards

494 Informal Awards

494.4 Eligibility

All employees and contractors are eligible to receive an Informal Award. Eligibility for the Informal Award is without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, national origin, sex, age (40 or over), genetic information, or presence of physical or mental disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

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4 Pay Administration

490 Recognition and Awards

495 Formal Awards

495.3 Noncareer Gift Certificates

495.33 Eligibility

All noncareer career employees are eligible to receive Noncareer Gift Certificate Awards. Eligibility for the Noncareer Gift Certificate Award is without regard to (1) race, color, ~~sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin,~~ religion, ~~national origin, sex,~~ age (40 or over), ~~genetic information, or presence of physical or mental disability, or retaliation for EEO-~~protected activity as provided by law, or (2) other non-meritorious factors such as ~~political affiliation, marital status; status as a parent; and past, present, or future military service.~~

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4 Pay Administration

490 Recognition and Awards

495 Formal Awards

495.4 Quality Step Increase Award

495.42 Eligibility

All career bargaining unit employees not already at the top step for their pay grade are eligible to receive the QSI. An employee cannot receive more than one QSI in any 52-week period. Eligibility for the QSI is without regard to (1) race, color, ~~sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, national origin, sex, age (40 or over), genetic information, or presence of physical or mental disability, or retaliation for EEO-protected activity as provided by law, or~~ (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

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4 Pay Administration

490 Recognition and Awards

495 Formal Awards

495.2 Spot Awards

495.23 Eligibility

All non-Inspection Service career employees are eligible to receive Spot Awards. Eligibility for Spot Awards is without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, national origin, sex, age (40 or over), genetic information, or presence of physical or mental disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

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4 Pay Administration

490 Recognition and Awards

496 Special Awards

496.2 Team Award

496.23 Eligibility

All career non-bargaining employees are eligible for the Team Award. Eligibility for the Team Award is without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, national origin, sex, age (40 or over), genetic information, or presence of physical or mental disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

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4 Pay Administration

490 Recognition and Awards

496 Special Awards

496.3 Vice President Award

496.33 Eligibility

All career employees are eligible for the Vice President Award. Eligibility for the Vice President Award is without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, national origin, sex, age (40 or over), genetic information, or presence of physical or mental disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

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4 Pay Administration

490 Recognition and Awards

496 Special Awards

496.4 Postmaster General Award

496.43 Eligibility

All career employees are eligible for the Postmaster General Award. Eligibility for the Postmaster General Award is without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, national origin, sex, age (40 or over), genetic information, or presence of physical or mental disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

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4 Pay Administration

490 Recognition and Awards

496 Special Awards

496.5 ELT Award

496.53 Eligibility

All career employees are eligible for the ELT Award. Eligibility for the ELT Award is without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, national origin, sex, age (40 or over), genetic information, or presence of physical or mental disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status, status as a parent, and past, present, or future military service.

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4 Pay Administration

490 Recognition and Awards

496 Special Awards

496.6 Ben Franklin Award

496.62 Eligibility

The Postmaster General designates those to be honored and does not accept recommendations. Eligibility for the Benjamin Franklin Award is without regard to 1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), religion, national origin, religionsex, age (40 or over), genetic information, or presence of physical or mental disability, or retaliation for EEO-protected activity as provided by law, or 2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

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4 Pay Administration

490 Recognition and Awards

497 Other Awards

497.2 Contest Award

497.23 Eligibility

All employees are eligible to participate in contests without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, national origin, sex, age (40 or over), genetic information, or presence of physical or mental disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

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6 Employee Relations

610 Employee Services

615 Social Recreational Program

615.2 Discrimination

It is the policy of the Postal Service to provide equal employment opportunity for everyone, without regard to (1) race, color, ~~religion~~, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, age (40 and above), genetic information, disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service, national origin, or physical or mental handicap. This policy applies to all employment matters, including but not limited to, recruitment, hiring, assignments, promotions, transfers, benefits, and discipline. Such discrimination is thus prohibited in employee social and recreational programs.

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6 Employee Relations

620 Contests

625 Implementation

625.1 Eligibility

Employees are eligible to participate in all contests without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), religion, national origin, religionsex, age (40 or over), or physical or mental handicap genetic information, disability, or retaliation for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

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6 Employee Relations

660 Conduct

665 Postal Service Standards of Conduct

665.2 Prohibited Conduct

665.23 Discrimination

Employees acting in an official capacity must not directly or indirectly authorize, permit, or participate in any action, event, or course of conduct that subjects any person to discrimination, or results in any person being discriminated against on the basis of (1) race, color, ~~religion~~, sex (including pregnancy, sexual orientation, or gender identity, including transgender status), national origin, religion, age (40+ or over), genetic information, physical or mental disability, or retaliation for EEO protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital or parental status, status as a parent, and past, present, or future military service, sexual orientation, or any other nonmerit factor, or that subjects any person to reprisal for prior involvement in EEO activity.

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6 Employee Relations

660 Conduct

666 Prohibited Personnel Practices

666.12 Prohibited Discrimination

The following provisions apply:

a. *Political Affiliation.* No discrimination may be exercised, threatened, or promised by any person or in favor of any employee, eligible, or applicant because of political affiliation except as may be authorized or required by law.

b. *Individual Status.* No person may be discriminated against because of (1) race, color, religion, sex (including pregnancy, sexual orientation, or gender identity, including transgender status), national origin, religion, age (40+ or over), national origin, genetic information, disability, or retaliationreprisal based on for EEO-protected activity as provided by law, or (2) other non-meritorious factors such as political affiliation, marital or parental status; status as a parent, and past, present, or future military service, or sexual orientation in connection with examination, appointment, reappointment, reinstatement, reemployment, promotion, transfer, demotion, removal, or retirement.

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6 Employee Relations

660 Conduct

666.2 Remedies

666.22 Equal Employment Complaint Procedures

Any employee or applicant may file a complaint alleging discrimination based on (1) race, color, ~~religion~~, sex (including pregnancy, sexual orientation, or gender identity including transgender status), national origin, religion, age (40+ or over), national origin, genetic information, disability, or ~~retaliation~~ alleging reprisal based on for EEO-protected ~~EEO~~ activity, or (2) other non-meritorious factors such as political affiliation, marital status, status as a parent, and past, present, or future military service within 45 days of the event believed to be discriminatory. For details, see Publication 133, *What You Need to Know About EEO*.

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6 Employee Relations

670 Diversity, Equal Employment Opportunity, and Prevention of Employment Discrimination

671 Diversity Overview

All employees share responsibility for achieving the Postal Service's goals to build a diverse and inclusive workforce in which all employees are afforded equal employment opportunity. The Postal Service believes that its efforts to achieve this goal will enhance the ability of the Postal Service and its employees to accomplish the following:

- Deliver the high level of service demanded by its customers and the competitive environment.
- Meet its responsibilities to the American public.

The Postal Service promotes:

- The diversity of its workforce. We strive to build an inclusive environment that respects the uniqueness of every individual and encourages the contributions of people from different backgrounds, experiences, and perspectives.
- Diversity and inclusion in a manner that instills confidence that employment decisions are made in accordance with our equal employment opportunity policies — where all employees are treated fairly based on merit and neither advantaged nor disadvantaged based on factors like 1) race, color, sex (including pregnancy, sexual orientation, or gender identity including transgender status), national origin, religion, age (40 or over), genetic information, race, religion, national origin, military service, or disability, or retaliation for EEO-protected activity as provided by law, or 2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

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6 Employee Relations

670 Diversity, Equal Employment Opportunity, and Prevention of Employment Discrimination

673 Postal Service Policy

673.5 Complaint Process

Depending on the nature of the complaint and the status of the employee, Postal Service employees may use several processes to pursue complaints against the Postal Service for alleged violations of the Postal Service's equal employment opportunity and anti-discrimination policies.

For more information on these processes, see sections [666.2](#) and [666.3](#), which include a process to pursue complaints for discrimination that complies with the Equal Employment Opportunity Commission's regulations.

The Postal Service is committed to fair treatment of all its employees. Harassment and disparate treatment based on ~~sex (including pregnancy, actual or perceived sexual orientation, and gender or identity including transgender status)~~ are not permitted or condoned. ~~Complaints of discrimination based on sexual orientation or identity are not permitted under Title VII of the Civil Rights Act of 1964. However, employees should report any variance from this policy to a management official at the earliest opportunity.~~

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6 Employee Relations

670 Diversity, Equal Employment Opportunity, and Prevention of Employment Discrimination

673 Postal Service Policy

673.6 Accountability for Diversity and Inclusion, Equal Employment Opportunity, and Prevention of Discrimination

673.61 Employees

All employees are expected to treat coworkers with dignity and respect. Employees must refrain from workplace harassment or other discrimination based on the following:

- ☐ ~~Race.~~
- ☐ ~~Sex (including sexual orientation, gender identity, and gender stereotypes).~~
- ☐ ~~National origin.~~
- ☐ ~~Any other category protected by law or Postal Service policy.~~
 - 1) Race, color, sex (including pregnancy, sexual orientation, or gender identity including transgender status), national origin, religion, age (40 or over), genetic information, disability, or retaliation for engaging in an EEO-protected activity.
 - 2) Other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.

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7 Training and Development

710 Overview

713 Selections

713.1 Equal Opportunity Policies

The selection or non-selection of employees to participate in training must not be based on race, color, sex (including pregnancy, sexual orientation, or gender identity (including transgender status)), ~~age~~, national origin, religion, age (40 or over), genetic information, ~~mental or physical disability~~, or retaliation for engaging in an EEO-protected activity, ~~military service, or genetic information~~. As part of its program of equal employment opportunity, the Postal Service prohibits discrimination or harassment based on any of these categories. In addition, it is also the policy of the Postal Service to prohibit discrimination or harassment based on sexual orientation, other non-meritorious factors such as political affiliation, marital status, status as a parent, and past, present, or future military service, ~~or factors unrelated to merit~~.

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7 Training and Development

721 Organizational Responsibilities and Functions

721.2 Areas

The area Human Resources function is responsible for administering training and development policies. These responsibilities include:

- a. Supervising the development and implementation of an area training and development planning system.
- b. Facilitating the flow of information and recommendations about existing training and development policy, efforts, and future needs between Headquarters and the districts.
- c. Strengthening the ability of district training and development professionals to (1) understand policy and to contribute to policy development, (2) administer national programs, and (3) respond to local needs.
- d. Monitoring districts' compliance with Equal Employment Opportunity (EEO) laws by ensuring that talented individuals are being developed in a fair and equitable manner, without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity including transgender status), national origin, religion, age (40 or over), national origin, religion, genetic information, mental or physical disability, or retaliation for EEO-protected activity as provided by law, military service, or genetic information. (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.
- e. Monitoring districts' compliance with placing special emphasis on providing training opportunities to employees with targeted disabilities.
- f. Increasing the level of management commitment to training and development and improving the work environment.

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7 Training and Development

721 Organizational Responsibilities and Functions

721.3 Districts

District managers, plant managers, and other installation heads are responsible for the training and development of their employees consistent with corporate business goals and strategic plans. District training responsibilities and functions include:

- a. Establishing training and development units within national guidelines.
- b. Implementing training and development staffing criteria within national guidelines.
- c. Establishing and implementing training and development space allocations according to Handbook AS-504, *Space Requirements*.
- d. Ensuring that national training courses taught locally are not changed in objective, length, or content without the prior approval of ERM.
- e. Ensuring appropriate use of electronic training databases.
- f. Monitoring training and its compliance with national training and development policies.
- g. Establishing and implementing other measures to ensure successful operation of the organization's training and development requirements.
- h. Coordinating district training requirements with ERM.
- i. Developing or acquiring, and delivering or coordinating, district training in accordance with established guidelines.
- j. Ensuring that ~~that~~ talented individuals are being developed in a fair and equitable manner, without regard to (1) race, color, sex (including pregnancy, sexual orientation, and gender identity including transgender status), national origin, religion, age (40 or over), national origin, religion, genetic information, mental or physical disability, or retaliation for EEO-protected activity as provided by law military service, or genetic information (2) other non-meritorious factors such as political affiliation, marital status; status as a parent; and past, present, or future military service.
- k. Ensuring that special emphasis is placed on providing training opportunities to employees with targeted disabilities.

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7 Training and Development

740 Non-Postal Training Policy

741.24 Restrictions

741.242 Prohibited Training Vendors

The Postal Service does not pay nonpostal training costs if a training vendor meets any of the following conditions:

- a. Discriminates because of (1) race, color, sex (including pregnancy, sexual orientation, or gender identity including transgender status), national origin, religion, sex, age (40 or over), national origin, genetic information, physical or mental disability, or retaliation for EEO-protected activity as provided by law military service, or genetic information; (2) other non-meritorious factors such as political affiliation, marital status; status as a parent, and past, present, or future military service.
- b. Engages in lobbying and support of political campaigns as a substantial part of its activities.
- c. Is a college or university that does not have accreditation from one of the accrediting bodies recognized by the U.S. Department of Education.

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8 Safety, Health, and Environment

840 Safety Awareness Programs

842.2 Safe Driver Award Program

842.23 Participation

Postal installations having one or more postal employees operating postal-owned, hired, leased, contract, or private vehicles in conducting postal business must participate in the Safe Driver Award Program. All postal personnel operating motor vehicles on official business are eligible to participate in the Safe Driver Award Program under the rules for administering the National Safety Council's Safe Driver Award Plan (Postal Service edition). Eligibility for participation is without regard to (1) race, color, sex (including pregnancy, sexual orientation, or gender identity including transgender status), national origin, religion, national origin, sex, age (40 or over), genetic information, or physical or mental disability, or retaliation for EEO-protected activity, and (2) other non-meritorious factors such as political affiliation, marital status, status as a parent, and past, present, or future military service.