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OCT 23 2020

October 20, 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 *Publication 183, Join Our Team! Postmaster Relief/Leave Replacement*, Section 272.11 of the *Administrative Support Manual (ASM)*, and Section 124 of the *Postal Operations Manual (POM)*. 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 *Publication 183, ASM and POM* sections, one with and one without changes identified. We are also enclosing the relevant section of the aforementioned Supreme Court Ruling.

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

Sincerely,

David E. Mills
Manager
Labor Relations Policies and Programs

Enclosures

Publication 183 – Join Our Team!

Postmaster Relief/Leave Replacement

May 2006 – Page 5

Equal Employment Opportunity

Equal Employment Opportunity (EEO) is embodied in our nation's laws. It is the policy of the Postal Service not to discriminate in personnel decisions on the basis of (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 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.

Publication 183 – Join Our Team! Postmaster Relief/Leave Replacement May 2006 – Page 5

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Administrative Support Manual

July 1999 – Page 60

27 Security

Personnel Security Clearances

272.1 General

272.11 Policy

The Postal Service selects and retains in any capacity only those qualified individuals whose employment is consistent with Postal Service security interests and the national security interests of the United States.

All Postal Service personnel security clearance procedural requirements are followed without regard to an individual's (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 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.

TRACKED CHANGES

Administrative Support Manual July 1999 – Page 60

27 Security

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Post Office Operations Manual

April 2019 – Page 15 and 16

124 Conduct on Postal Property

124.6 Nondiscrimination

There must be no discrimination by segregation or otherwise against any person or persons because of 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 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 in furnishing or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided thereby on postal property.

Post Office Operations Manual April 2019 – Page 15 and 16

124 Conduct on Postal Property

124.6 Nondiscrimination

There must be no discrimination by segregation or otherwise against any person or persons because of 1) race, color, sex (including pregnancy, sexual orientation, and gender identity including transgender status), religion, national origin, religion, sex, age (persons 40 or over years of age or older are protected), 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, reprisal (discrimination against a person for having filed or for having participated in the processing of an EEO complaint — 29 CFR 1613.261-262), or physical or mental handicap, in furnishing or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided thereby on postal property.

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.