



September 23, 2020

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SEP 25 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 several sections of *Handbook EL-312 Employment and Placement*. Revisions are made in the wording for "sex" discrimination to be consistent with a June 2020 Supreme Court Decision. In that decision, the Court states that, "an employer violates Title VII when it intentionally fires an individual employee based in part on sex." The Court further reasoned that "an individual's homosexuality or transgender status is not relevant to employment decisions. That's because it is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex."

We have enclosed two copies of the relevant EL-312 Sections, one with and one without changes identified.

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".

David E. Mills
Manager
Labor Relations Policies and Programs

Enclosures

Handbook EL-312 Employment & Placement January 2018 – Page 173

7 Assignment, Reassignment, and Promotion 71 Introduction

712 Equal Employment Opportunity and Affirmative Employment Policy

It is Postal Service policy that selections for positions to be filled by assignment, reassignment, or promotion shall:

- a. Comply with the provisions of applicable collective bargaining agreements; and
- b. Be based on merit and the relevant experience, training, knowledge, skills, and abilities required for the positions being filled.

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.

Handbook EL-312 Employment & Placement January 2018 – Page 9

22 Conducting Recruitment Activities

222.1 Advertising Policy

Internal and external advertising will communicate:

- a. Postal Service commitment to provide equal employment opportunities for all applicants regardless of race, color, sex (including pregnancy, sexual orientation, and gender identity, including transgender status), national origin, religion, age (40 or over), genetic information, disability, veterans' status or retaliation for engaging in EEO-protected activity; and
- b. Use of special hiring processes, where appropriate.

Installation heads and diversity development personnel will assist in communicating this message. When advertising externally, Human Resources may, consistent with postal regulations, do the following:

Handbook EL-312 Employment & Placement January 2018 – Page 10 and 11

23 Sources of Recruitment

232 Policy

232.1 Nondiscrimination in Hiring

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, or gender identity, including transgender status), national origin, religion, age (40 or over), genetic information, disability, or retaliation for engaging in 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.

Handbook EL-312 Employment & Placement January 2018 – Page 91

5 Suitability

51 Employment Eligibility and Suitability

511.12 Nondiscrimination in Hiring

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.

Handbook EL-312 Employment & Placement January 2018 – Page 155

6 Selection

61 Selection Preparations

611 Responsibility

Appointing officials are responsible for selecting applicants for appointment. 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.

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2b. Other non-meritorious factors such as :

~~(1) P~~political affiliation,

~~(2) M~~marital status;

~~(3) S~~exual orientation;

~~(4) G~~ender identity and gender stereotypes;

~~(5) S~~status as a parent, and

~~(6) R~~etaliation for engaging in an EEO-protected activity, or

~~(7) P~~past, present, or future military service.

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January 2018 – Page 155

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