

Policy on Prohibited Conduct

The U.S. Merit Systems Protection Board (MSPB or the Board) is committed to promoting a safe and productive work environment for its personnel and the people it serves so that it may carry out its mission to protect the merit system principles and promote an effective Federal workforce free of prohibited personnel practices. While parties to an appeal and other MSPB stakeholders may disagree strongly with each other and/or MSPB personnel in their interactions during MSPB proceedings or other MSPB business, no individual is permitted to abuse other parties, witnesses, or Board personnel.

Prohibited conduct includes:

1. Physically or verbally assaulting parties, witnesses, or Board personnel;
2. Harming or threatening harm (in person, over the telephone, by mail, by fax, in electronic communications, or otherwise) to parties, witnesses, Board personnel, or Board offices;
3. Engaging in harassing, offensive, disruptive, or contumacious conduct, including, but not limited to, the use of profanity or excessively persistent telephone, email, fax, or in-person communications, that impedes Board personnel from performing their duties;
4. Engaging in behavior demonstrating a pattern of abuse of the adjudicatory process, including, but not limited to:
 - repeatedly filing appeals or pleadings on frivolous matters;
 - repeatedly filing appeals or pleadings on issues raised and adjudicated in prior appeals;
5. Engaging in behavior demonstrating a pattern of abuse of the information request or disclosure processes (e.g., Freedom of Information Act, Privacy Act, and other requests), including, but not limited to, submitting repeated frivolous or duplicative information requests;
6. Using disparaging language based on race, color, religion, sex (including pregnancy, sexual orientation, or gender identity and expression), national origin, age, disability, marital status, and/or political affiliation;
7. Recording conversations with Board personnel without the Board's consent; and

8. Contacting or attempting to contact Board personnel or their families at their personal addresses, telephone numbers, or email accounts, or through social media.

Engaging in such prohibited conduct may result in the Board taking steps to protect its personnel and resources, such as banning the offending individual from entering the Board's offices; ceasing in-person, electronic, and/or telephonic communications with the individual; and/or barring the individual from filing appeals, petitions for review, pleadings, or other filings. In addition, the Board may impose sanctions as set forth in 5 C.F.R. § 1201.43 or, as a last resort, terminate an appeal with prejudice. For prohibited conduct in connection with the information request or disclosure processes, the Board may require offending individuals to file information requests only via mail and may administratively close or otherwise decline to act on abusive information requests made via other means. The Board may also report prohibited conduct as defined in this policy to Federal, State, and/or local law enforcement for appropriate action.

In the event of a violation of this policy, the Board will notify the offending individual and any representative, allow a response to the actual or proposed sanction, and document the reasons for any resulting sanction in the appeal record for pending matters and/or in separate written communications to the offending individual. If the Board imposes any limits on an individual as a result of prohibited conduct, the Board will provide information regarding whether the individual may request permission to file appeals, petitions for review, pleadings or other filings, or information requests, as applicable, and/or communicate with MSPB in any pending or future case, and the method by which the individual may request such permission.

May 2024