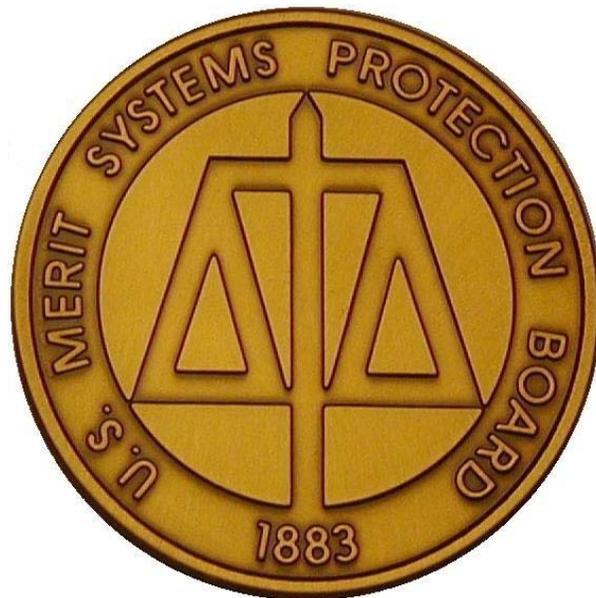


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# **United States**

## **Merit Systems Protection Board**



### **Strategic Plan for FY 2012 – 2016**

**(Draft – March 17, 2011)**

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**United States**  
**Merit Systems Protection Board**



**Strategic Plan**  
**FY 2012 – FY 2016**

**March 17, 2011**  
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## U.S. Merit Systems Protection Board Strategic Plan for FY 2012 – 2016

### Introduction

A highly qualified, diverse Federal workforce managed under the Merit Principles (MPs) and free from Prohibited Personnel Practices (PPPs) is critical to ensuring high quality agency performance and service to the public. The U.S. Merit Systems Protection Board (MSPB) protects the Federal merit systems and promotes Governmentwide merit system principles.

### About MSPB

The MSPB has its origin in the Pendleton Act of 1883, which was passed following the assassination of President Garfield in 1881 by a frustrated Federal job seeker. The Pendleton Act created the Civil Service Commission (CSC or the Commission) and provided the foundation for improvements in Government efficiency and effectiveness by helping to ensure that a stable, highly qualified Federal workforce, free from partisan political pressure, was available to provide effective service to the American people.

Over time, it became clear that the CSC could not properly, adequately, and simultaneously set managerial policy, protect the merit systems, and adjudicate employee appeals of actions Federal agencies took against them. Concern over the inherent conflict of interest in the CSC's role as both rule-maker and judge was a principal motivating factor behind the passage of the Civil Service Reform Act of 1978 (CSRA). The CSRA replaced the Civil Service Commission with three new agencies: MSPB as the successor to the Commission;<sup>1</sup> the Office of Personnel Management (OPM) to serve as the President's agent for Federal workforce management policy and procedure; and the Federal Labor Relations Authority (FLRA) to oversee Federal labor-management relations. The CSRA also codified for the first time the values of the merit systems as the Merit Principles<sup>2</sup> as well as the Prohibited Personnel Practices.<sup>3</sup>

During hearings on the CSRA, the role and functions of MSPB were described during testimony by various members of Congress: “. . . [MSPB] will assume principal responsibility for safeguarding merit principles and employee rights” and be “charged with insuring adherence to merit principles and laws” and with “safeguarding the effective operation of the merit principles in practice.”<sup>4</sup> MSPB inherited the adjudication functions of the Commission by providing due process to employees and agencies as an independent, third-party adjudicatory authority for employee appeals of adverse actions and retirement decisions. Since the CSRA, Congress has given jurisdiction to MSPB to hear cases and complaints filed under a variety of other laws.<sup>5</sup> MSPB was given the authority to develop its adjudicatory processes and procedures, issue subpoenas, call witnesses, and enforce compliance

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<sup>1</sup> Bogdanow, M., and Lanphear, T., History of the Merit Systems Protection Board, Journal of the Federal Circuit Historical Society, Volume 4, 2010

<sup>2</sup> Title 5 U.S.C. § 2301

<sup>3</sup> Title 5 U.S.C. § 2302

<sup>4</sup> Legislative History of the Civil Service Reform Act of 1978. Committee on Post Office and Civil Service, House of Representatives, March 27, 1979, Volume No. 2, (pg 5-6).

<sup>5</sup> Including the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Veterans Employment Opportunity Act (VEOA), and the Whistleblower Protection Act (WPA), 5 U.S.C. Chapter 43, and all those set out at 5 C.F.R. Part 1201.3.

with final MSPB decisions. MSPB was also given broad new authority to conduct independent, objective studies of the Federal merit systems and Federal human capital management issues. In addition, MSPB was given the authority and responsibility to review and act on the regulations of OPM, and review and report on the significant actions of OPM.<sup>6</sup> In summary, the statutory functions of MSPB include adjudicating a wide range of employee appeals, enforcing compliance with MSPB decisions, conducting studies of the Federal merit systems, and overseeing OPM.

### **Serving the Merit Systems, the Federal Workforce, and the Public**

The Federal merit systems are based on widely accepted organizational management practices and values that have been developed and reinforced through historical experience. There are costs and benefits associated with merit-based management of the Federal workforce. Values such as fairness in all personnel matters, hiring and advancement based on qualifications and performance, protection from arbitrary personnel decisions and from undue partisan political influence, and assurance of due process, incur necessary costs, at least in the short-term. However, these costs are offset by the benefits associated with ensuring a stable, highly qualified workforce that serves in the public's interest over the long term rather than at the pleasure of current political leaders. The goal is a strong, highly qualified, stable merit-based civil service.

Considering MSPB's relatively small size and budget, it provides enormous value to the Federal workforce, Federal agencies, and to the American taxpayer in terms of better service to the public and a more effective and efficient merit-based civil service. MSPB adds value by providing superior adjudication services, including alternative dispute resolution, which ensure due process and result in resolutions that are based in law, regulation, and legal precedent – and not on non-merit factors, or on emotion. MSPB's adjudication process is guided by reason and legal analysis, which are hallmarks of both our legal system and our merit system. As a neutral, independent, third party, MSPB's adjudication of appeals improves the fairness and consistency of the process and resulting decisions, and is more efficient than separate adjudication of appeals by each agency. The body of legal precedent generated through adjudication, and the transparency and openness of the adjudication process, improve long-term effectiveness and efficiency by providing guidance to agencies and employees on proper behavior, the ramifications of improper behavior, and how to prepare and present strong cases. Strong enforcement of MSPB decisions ensures timely, effective resolution of current disputes and encourages more timely compliance with future MSPB decisions.

MSPB's high quality, objective merit systems studies provide value through assessment and identification of innovative and effective merit-based management policies and practices, and recommendations for improvements. For example, improved hiring and selection, improved merit-based management, and greater employee engagement leads to a highly qualified Federal workforce, improved organizational performance, and better service to the public. They also help reduce the occurrence and costs of PPPs that negatively affect agency and employee performance. Review of OPM significant actions, rules, and regulations protects the integrity and viability of the merit systems and civil service, provides benefits similar to those related to merit systems studies, and reduces costs in terms of fewer PPPs, improved employee performance, less employee misconduct, fewer adverse actions, and fewer unsubstantiated appeals. This provides indirect value to the American taxpayer in decreased Governmentwide costs.

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<sup>6</sup> The MSPB may on its own motion, or at the request of other parties, review and potentially overturn OPM regulations if such regulations, or the implementation of such regulations, would require an employee to commit a PPP. MSPB is also responsible for annually reviewing and reporting on the significant actions of OPM, Title 5 U.S.C. §1204(f).

## **Developing this Strategic Plan**

In mid-FY 2010, the leaders and senior managers of MSPB, the President of the MSPB Professional Association (which represent many MSPB employees), and key staff participated in an offsite meeting to review the strategic direction of the agency. Following the offsite meeting, small groups of agency leaders and managers met to draft more detailed narrative and contents for select sections of a new MSPB Strategic Plan. Additional information on the means and strategies used to accomplish our goals, program evaluation, and links to other agency program planning documents are also included in this Strategic Plan.

The offsite meeting resulted in proposed changes to the agency mission statement, a new vision statement, new organizational values, restated strategic goals, and revised measures.<sup>7</sup> The two new strategic goals more thoroughly encompass MSPB's broad role in protecting merit and preventing PPPs as intended by the CSRA. The new strategic goals also move beyond previous strategic goals to include all of MSPB's statutory functions and responsibilities. The first strategic goal focuses on reviewing and taking action on individual appeals, and reviewing and assessing existing and proposed merit system laws, regulations, and practices to identify best practices and areas for improvement. The second strategic goal focuses on efforts to inform and encourage policy-makers to take actions that improve merit, conducting outreach to improve the practice of merit in the workplace, and improving merit systems education that will strengthen merit systems, promote adherence to MPs, and prevent PPPs in the future. These two strategic goals recognize the importance of taking what we do in terms of protecting merit and promoting those lessons in strategic goal two to strengthen merit, increase adherence to MPs, and prevent or reduce PPPs. The overall, long-term result is better management, improved employee and agency performance, better service to the public, and increased value to the taxpayer.

## **Links to Other Agency Plans and Cross-Cutting Documents**

This Strategic Plan provides the foundation for MSPB's work for the next several years. In accordance with Government Performance and Results Act (GPRA) as amended by the GPRA Modernization Act of 2010, MSPB Annual Performance Plans (APPs) include program performance goals, measures, and annual performance targets designed to move the agency incrementally to achieve its strategic goals. The APPs are published as part of the Performance Budget provided to the Office of Management and Budget (OMB) and in the Congressional Budget Justification submitted to Congress. MSPB reports program performance results as compared to its APPs, along with financial accountability results, in the annual Performance and Accountability Report (PAR). The Strategic Plan, APPs, and PARs are posted on MSPB public website.

The MSPB Resources Management Plan (RMP) is currently under development. It will guide the agency's internal management and administrative functions in support of the mission goals included in the Strategic Plan and APPs. The RMP will also link other agency documents such as the Strategic Human Capital Management Plan, Strategic Information Technology and Security Plan, Open Government Plan, and other similar documents. The agency's Senior Executive Service Performance Rating Plans are linked to the APPs and to the RMP. Individual employee performance plans are linked through the RMP, and, as appropriate, to the APPs.

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<sup>7</sup> It was also determined that MSPB administrative and support functions would be administered through an internal Resource Management Plan (RMP).

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## The Mission, Vision, Values, Strategic Goals, and Objectives of MSPB

### MSPB Mission

**Protect the Merit Principles and promote an effective Federal workforce free of Prohibited Personnel Practices.**

### MSPB Vision

**A highly qualified, diverse Federal workforce that is fairly and effectively managed, providing excellent service to the American people.**

### MSPB Organizational Values

- Excellence:** We will base our decisions on statute and legal precedent; use appropriate scientific research methods to conduct our studies and make practical recommendations for improvement; and develop and use appropriate processes to oversee the regulations and significant actions of OPM. We will interact with our customers and stakeholders in a professional, respectful, and courteous manner. We will strive to be a model merit-based organization by applying the lessons we learn in our work to the internal management of MSPB.
- Fairness:** We will conduct our work in a fair, unbiased, and objective manner. We will be inclusive in considering various perspectives and interests of stakeholders in our work, and in our external and internal interactions with individuals and organizations.
- Timeliness:** We will issue timely decisions on initial appeals and petitions for review in accord with our performance goals and targets. We will issue timely reports on the findings and recommendations of our merit system studies. We will respond promptly to inquiries from customers and stakeholders.
- Transparency:** We will make our regulations and procedures easy to understand and follow. We will communicate with our customers and stakeholders using clear language and make our decisions, merit systems studies, and other materials easy to understand and widely available and accessible on our website. We will enhance the understanding of our processes and impact of our products through outreach efforts.

## MSPB Strategic Goals and Objectives

**Strategic Goal 1: Serve the public interest by *protecting* merit system principles, and *safeguarding* a civil service free of Prohibited Personnel Practices.**

**Objectives:**

- 1A: Provide understandable, high-quality resolution of appeals supported by fair and efficient adjudication and alternative dispute resolution (ADR) processes.
- 1B: Enforce timely compliance with MSPB decisions.
- 1C: Conduct objective, timely studies of the Federal merit systems and human capital management issues.
- 1D: Review, determine, and act upon the rules, regulations, and significant actions of the Office of Personnel Management.

**Strategic Goal 2: Advance the public interest through *education* and *promotion* of stronger merit systems, adherence to Merit Principles, and *prevention* of Prohibited Personnel Practices.**

**Objectives:**

- 2A: Inform, promote, and encourage actions by policy-makers, as appropriate, that strengthen Federal merit systems laws and regulations.
- 2B: Support and improve the practice of merit, adherence to MPs, and prevention of PPPs in the workplace through outreach.
- 2C: Advance the understanding of the concept of merit, MPs, and PPPs through educational programs conducted by MSPB, or by others based on merit education guidance established by MSPB.

## Measuring Achievement of Our Strategic Objectives

**Strategic Goal 1: Serve the public interest by *protecting* merit system principles, and *safeguarding* a civil service free of Prohibited Personnel Practices.**

### **Performance Measurement:**

#### **1A. Provide understandable, high-quality resolution of appeals supported by fair and efficient adjudication and alternative dispute resolution (ADR) processes.**

- Percent of MSPB decisions (excluding dismissals) that are affirmed by Court of Appeals for the Federal Circuit over time.
- Percent of adjudication participants and stakeholders over time who agree MSPB decisions are understandable, thoughtful, and legally sound (though they may not agree with the decisions).
- Average case processing time for initial appeals and petitions for review of initial appeals (PFRs) over time.
- Percent of adjudication participants over time who agree that MSPB adjudication processes are fair, open, accessible, easy to use, and understandable.
- Percent of ADR program participants (including the initial appeals settlement, PFR settlement and Mediation Appeals Program (MAP)) over time who agree the ADR process was helpful, valuable, and non-coercive even if no agreement was reached.

#### **1B. Enforce timely compliance with MSPB decisions.**

- Average processing time for enforcement cases over time.

#### **1C. Conduct objective, timely studies of Federal merit systems and human capital management issues.**

- Percent of stakeholders who agree the research agenda-setting process was inclusive and the resulting agenda included topics with high potential to strengthen Federal merit systems policies and practices.
- Percent of external stakeholders over time who rate studies as being objective, timely, and well written.
- Number and scope of studies produced over five year period.

#### **1D. Review, determine, and act upon the rules, regulations, and significant actions of the Office of Personnel Management.**

- Number and scope of OPM rules or regulations, or implementation of the same, reviewed over time.
- Number and scope or percent of OPM significant actions reviewed over time.

**Strategic Goal 2: Advance the public interest through *education* and *promotion* of stronger merit systems, adherence to the Merit Principles, and the *prevention* of Prohibited Personnel Practices.**

**Performance Measurement:**

**2A. Inform, promote, and encourage action by policy-makers, as appropriate, that strengthen Federal merit systems laws and regulations.<sup>8</sup>**

- Number and scope of changes in merit systems policies, rules, regulations, and laws that strengthen merit, improve adherence to MPs, or prevent PPPs over time.
- Appropriateness and scope of topic areas addressed in contacts with policy-makers regarding changes in Governmentwide policies, rules, regulations, and laws that strengthen the merit systems, improve adherence to MPs, or prevent PPPs over time.
- Number and audience of contacts with Governmentwide policy-makers focused on supporting or improving Governmentwide merit systems laws and regulations over time.

**2B. Support and improve the practice of merit, adherence to MPs, and prevention of PPPs in the workplace through outreach.<sup>9</sup>**

- Percent of agencies that adopt one or more best practices or recommendations for improvement over time.
- Number and scope of MSBP contacts with stakeholders focused on improving the practice of merit in the workplace over time.

**2C. Advance the understanding of the concept of merit, MPs, and PPPs through educational programs conducted by MSPB or by others based on merit education guidance established by MSPB.**

- Percent of agencies that educate employees about the merit system, MPs, and PPPs over time.
- Number and scope of educational information about the merit systems, MPs, PPPs, MSPB decisions, appeals process, studies, newsletters, etc., requested, accessed, or downloaded from MSPB website over time.
- Number and type of merit system educational materials and guidance MSPB makes available over time.

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<sup>8</sup> This includes contacts with Governmentwide policy-makers including Congress, Chief Human Capital Officers (CHCO) Council, OPM and others involved in Governmentwide merit systems policy that focus on information gained from adjudication case law, oral arguments, merit system studies, and oversight of OPM.

<sup>9</sup> Our advisory responsibility is critical to the maximum success and efficiency of both strategic goals. This includes contacts (e.g., presentations, speeches, meetings, web content, and participation in committees and panels) with stakeholders involved in the practice of merit (e.g., agency senior leaders, CHCO Council, Human Resource (HR) Directors, HR specialists, employees, the media, and other stakeholder groups).

## **The Means and Strategies Needed to Accomplish our Goals**

### **Strategic Goal 1**

1. Provide effective and efficient adjudication of initial appeals in our regional and field offices, and of PFRs and original jurisdiction cases at headquarters; increase legal training and expertise of adjudication staff; monitor adjudication performance and accountability; and improve adjudication customer satisfaction.
2. Provide effective, impartial, professional ADR services (including the initial appeals and PFR settlement programs and the MAP) to meet the needs of the parties.
3. Ensure effective representation of MSPB in cases brought before other bodies including, but not limited to, U.S. District Courts, the U.S. Court of Appeals for the Federal Circuit, and the U.S. Supreme Court.
4. Provide effective and efficient processing of requests for compliance with MSPB decisions.
5. Conduct objective studies of the Federal merit systems and Federal management issues and practices, report findings, and recommend actions to strengthen the merit systems, improve the practice of merit, and reduce the occurrence of PPPs.
6. Expand the review of OPM rules, regulations, and significant actions and take appropriate action to ensure adherence to MPs and avoidance of PPPs.
7. Increase transparency and outreach regarding adjudication processes and outcomes, and review of OPM rules, regulations, and significant actions.

### **Strategic Goal 2**

1. Assess and report on the overall health of the merit systems, practice of merit, and occurrence of PPPs through periodic surveys.
2. Translate information from adjudication, merit systems studies, and OPM oversight into outreach products designed to influence actions by policy-makers and practitioners that will improve merit, adherence to MPs, and prevention of PPPs.
3. Provide information about adjudication processes, outcomes, and legal precedent to support adjudication participants' ability to prepare and file strong cases with MSPB.
4. Expand the studies program capacity and increase the value and impact of studies.
5. Develop educational materials about merit, MPs, PPPs, adjudication, and other Federal employment issues and make them widely available through the website, social media, and other appropriate mechanisms.
6. Encourage the development of compelling public educational tools to improve the public's understanding of the merit system and its relationship to excellent service to the public.
7. Develop training guidelines for Federal employees on merit systems, MPs, and PPPs and encourage agencies to develop and implement training modules based on these guidelines to improve the understanding and practice of merit in the workplace.
8. Increase transparency and outreach regarding recommendations to improve the practice of merit and prevention of PPPs.

**Agency-wide Means and Strategies** (administered through the Resources Management Plan)

1. Manage people effectively and efficiently, adhering to MPs and avoiding PPPs.
  - a. Hire and retain a diverse high-quality legal, analytic, and administrative workforce that can effectively accomplish and support the knowledge-based work of the agency.
  - b. Walk the talk – implement appropriate recommendations from study reports to improve adherence to MPs and avoid PPPs.
2. Manage budget, financial, and other resources effectively and efficiently.
  - a. Use people and budgetary resources effectively and efficiently to ensure adequate staff to accomplish our goals and continue the value we provide, now and in the future.
  - b. Improve budget planning and development to ensure complete justification of funds, people, operational requirements, and contingencies, and prevent the need to routinely delay hiring to fund operational and mission requirements.
3. Lead and manage agency technology, facilities, procedures, and processes effectively and efficiently.
  - a. Ensure access to and increase the use of e-Appeal Online, continue to shift from paper-based work processes to electronic work processes.
  - b. Develop and implement IT hardware, software, and systems plans and schedules to support effective and efficient MSPB adjudication, studies, OPM oversight, and administrative programs.
  - c. Improve the ability to administer and host surveys in support of our studies function and better leverage the high quality Governmentwide data we collect.
  - d. Improve MSPB's program evaluation capability.
  - e. Improve efficiency and effectiveness of other administrative and management programs and processes including appropriate use of interagency agreements and contractors.

## Trends and Challenges that May Affect Agency Performance

A number of significant external trends and internal issues and challenges are likely to affect MSPB's mission through FY 2016. This section lists these trends, issues, and challenges and their potential effect on MSPB.

### External Trends

- Veterans' rights and potential changes in law and jurisdiction
  - Large increases in adjudication workload and jurisdiction, increased case complexity.
  - Increased complexity in studying the merit systems and overseeing OPM.
- Revisions to management policies and employee flexibilities
  - Increases in appeals and case complexity.
  - Increased complexity in studying merit and making recommendations to ensure workforce is managed under the MPs and free from PPPs.
  - Increased difficulty ensuring that new and amended regulations ensure adherence to MPs and avoidance of PPPs.
  - Increased need to promote merit and educate management officials about merit, MPs, and PPPs.
- Increases in the number of Federal employees retiring, and modernizing Federal workforce policy and employee competencies to perform knowledge-based work
  - Some increase in appeals due to increased retirements (benefits claims).
  - Need to study how changes impact MPs and PPPs.
  - Increased need to promote merit in the Federal workplace and educate the Federal workforce about the merit, MPs, and PPPs.
- Budget cuts, Reductions in Force (RIF), and workforce adjustments
  - Increase in appeals due to potential RIFs and actions taken in lieu of or in preparation for RIFs.
  - Need to study and make recommendations on how to ensure merit and avoid PPPs.

### Internal Management Issues and Challenges

- Mission planning and ensuring optimum effectiveness
  - Improve and strengthen performance of our statutory function to review and take appropriate action on OPM regulations.<sup>10</sup>
  - Revise Strategic Plan to encompass all statutory functions and focus on our role to protect and promote merit.
  - Improve integration of performance goals and the annual budget process to ensure legislative intent to protect and promote merit.

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<sup>10</sup> Title 5 U.S.C. § 1204(a)(4)

- Improve leadership culture and structure, and internal and external agency communication, to improve performance in the short and long term.
- Adjudication services and enforcement
  - Address external concerns about MSPB time constraints and the potential negative impact such constraints have on case development and discovery.
  - Balance performance measures of adjudication quality, fairness, and timeliness.
  - Increase outreach to improve adjudication effectiveness and efficiency, and improve understanding of the adjudicatory process.
  - Increase emphasis on enforcement of compliance decisions.<sup>11</sup>
- Effectiveness of merit systems studies
  - Improve distribution and promotion of information to capitalize on savings via better management, higher employee engagement, and fewer appeals.
  - Increase studies staff to maximize the value and impact of studies to the Government and the taxpayer.
  - Increase outreach to coordinate research plans and improve implementation of study recommendations that improve Federal management and service to the public.
  - Improve ability to administer surveys and use collected data to increase effectiveness and efficiency of Government as a whole.
- Effectiveness of performance and budget planning, and resource management
  - Justify budgets to support the full mission and improve planning for operational requirements, program improvements, and contingencies.
  - Eliminate the routine use of hiring delays to offset operational requirements.
  - Improve workforce planning including succession planning and support for employee development to ensure and sustain the availability of high-quality professional and technical staff (over 25% of MSPB staff is retirement eligible in FY 2011); and establish an accurate and stable staffing structure.

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<sup>11</sup> Title 5 U.S.C. § 1204(a)(2)

## **Program Evaluation, and Verification and Validation of Performance Data**

### **Program Evaluation**

MSPB programs broadly impact Federal merit systems and Federal management, and they generate significant value for Federal agencies and the public. Effective program evaluation is critical to ensuring MSPB can continue to effectively and efficiently achieve its mission now and in the future.

MSPB is committed to high-quality program evaluation. However, ensuring our ability to perform our statutory mission, as well as ensuring compliance with requirements of the GPRA, as amended, and recent program evaluation guidance from OMB, will require increased resources and program evaluation staff. A relatively small increase in program evaluation resources and staffing will yield large potential return in efficiency and cost savings for MSPB, which will in turn improve the value MSPB brings to agencies, Federal employees, individual parties to cases, and to the public.

Mission and administrative support programs should be evaluated to ensure they are implemented as planned and delivering the services and outcomes intended. Evaluations should include customer satisfaction and stakeholder feedback, and the degree to which programs achieve intended results in the short and long term, and at the organizational and Governmentwide levels. MSPB has conducted internal program evaluations of several of its adjudication and administrative programs. MSPB also collects customer satisfaction data from adjudication and merit systems studies customers and stakeholders, and from internal customers of our administrative programs. These data are typically collected, analyzed, and reported by the office responsible for carrying out the program.

In the next few years, MSPB will undertake independent program evaluations of several of its mission and administrative support programs. In addition, MSPB will improve coordination and oversight of its customer satisfaction efforts to improve the consistency and comparability of the data and the use of this data in guiding program changes and improvements. Based on obtaining requested program evaluation resources, a projected program evaluation schedule is provided below.

### **Proposed Program Evaluation Schedule**

<b>Program</b>	<b>Evaluation Start Year</b>
Administrative program structure, staffing, and functions	2010
PFR case processing	2010
Review of OPM rules, regulations, and significant actions	2011
IT program planning and implementation	2011
Functions of the Office of Regional Operations	2012
Case processing in the regional and field offices	2012
HR Management and EEO functions	2012
Merit System Studies	2013
Functions of the Office of the Clerk of the Board	2013
Functions of the Office of the General Counsel	2013

### **Verification and Validation of Performance Information**

Most of the quantitative measures of adjudication performance come from Law Manager (LM) our case management system. Other quantitative and qualitative measures of program performance are reported by program offices. The LM system was implemented in FY 2002 to track basic information about the type of case, and location and timeliness information during case processing. Since that time, there has been an increasing need to gather and assess information about cases and case processing that the LM system was not designed to collect or that has not been reliably collected. In FY 2011, we will begin assessing the LM system and the degree to which it provides valid and verifiable performance information for agency performance measures. In addition, it is important to assess the design of the LM system and its procedures to determine if changes need to be made in its structure, in how and what type of data are input, and to determine what changes should be made to satisfy current and potential needs for information to manage our adjudication programs effectively. The systems used by the program offices to track and report performance information for other agency measures also need to be assessed. Better coordination and oversight of performance measurement processes will help ensure consistency, validity, and verifiability of information reported in agency plans and used to manage MSPB programs.

## **Governmentwide Indicators of a Strong Merit-based Civil Service**

The MSPB cannot achieve its purpose to protect and promote a strong merit-based civil service on its own. There are important participants and stakeholders who must do their part in establishing and implementing merit-based policies, and in applying these policies to the everyday practice of merit in the workplace. If everyone does their part, a strong merit-based civil service will consist of a stable, highly qualified workforce managed under the MPs and free from PPPs. MSPB cannot control the ultimate strength of the merit systems, or the degree to which other stakeholders do their part in supporting a strong merit system. However, we suggest that the following long-term Governmentwide indicators may illustrate important aspects of creating and maintaining a strong merit-based civil service. These are truly long-term indicators with changes becoming evident over a period of several years, beyond even the period of time covered in a strategic plan.

- ✓ Higher Governmentwide employee engagement and improved organizational management leading to higher organizational performance.
- ✓ Federal employees perceive improved adherence to the MPs.
- ✓ Decrease in the actual or perceived occurrence of PPPs, or in the perception of the adverse impact of PPPs over time.
- ✓ A reduction in performance, disciplinary, or conduct actions (following an initial spike in such actions due to better understanding of the concept of merit, MPs, PPPs, and the appeals process).
- ✓ Increase in the percent of Federal employees, supervisors, managers, and leaders who understand the basis of the Federal merit systems, the MPs, and the PPPs.
- ✓ Increased percent of employees agree they trust the Federal merit systems appeals process.
- ✓ Increased and more timely compliance with MSPB decisions.
- ✓ Increase in reported level of public's trust of Federal civil servants or employees.

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