



United States Merit Systems Protection Board

Contact: Arlin Winefordner
(202) 653-6772, ext. 1162
V/TDD 1-800-877-8339
(Federal Relay Service)

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THE MERIT SYSTEMS PROTECTION BOARD'S NATIONWIDE MEDIATION APPEALS PROGRAM (MAP) IN ITS FIFTH YEAR

In November 2004, Chairman Neil A.G. McPhie established the MSPB Mediation Appeals Program (MAP) as a nationwide program offering mediation services to parties who file appeals with any of the MSPB's eight regional and field offices. Offered by the MSPB as an alternative to the adjudication process, this program has proven to be a successful alternative to resolve Federal employee appeals.

The MAP program began two years earlier as a pilot program involving selected appeals filed in two of the MSPB's regional offices. During this phase, the MSPB received considerable positive feedback from the parties and the actual number of mediated cases that resulted in settlement was significant.

The MAP program provides parties with an additional means for resolving their appeals as they proceed along the adjudication track before an MSPB Administrative Judge. Under current MAP procedures, the regional office notifies the parties of the availability of mediation when the appeal is docketed and acknowledged. If the parties share a mutual interest in participating in mediation, and the Administrative Judge agrees that it would be appropriate, the case is placed in a suspense status and assigned to a certified mediator from one of MSPB's headquarters or regional offices. If the mediation results in a settlement of the appeal, the agreement is reduced to writing and submitted to the regional office for review and preparation of a decision dismissing the petition for appeal as settled. If an agreement is not reached within a reasonable period of time, the appeal is removed from its suspense status and returned to adjudication.

In MAP's first year of operation as a national program—FY 2005—MSPB mediated 83 cases and achieved a success rate of 48%. In the following three fiscal years, the MSPB initiated an average of 119 settlement negotiations that resulted in agreements in approximately

50% of the cases. The success of MAP also is apparent in the many cases where settlement efforts are terminated and the case is returned to adjudication but eventually a settlement is reached. Administrative Judges regularly attribute the ultimate settlement to the efforts of the mediator. If the number of cases that settled after returning to adjudication is included, the success rate rises to approximately 67%.

MAP can be more cost-effective for the parties and frequently disputes are resolved early in the process. In many cases, MSPB mediators lead the parties to a basic settlement agreement in less than one day's time. Over 95% of the parties who have participated in the MSPB's MAP process state that they would use it again.

Parties who have appeals that are or will be pending in any of MSPB's regional or field offices who are interested in participating in a MAP mediation should contact the assigned Administrative Judge or any other MSPB employee in the office where the petition for appeal is filed. For further information on MAP, contact Deborah Miron, MAP Coordinator, or Cynthia Boston, Regional Operations MAP Coordinator, 1615 M Street, NW, Washington, DC 20419, phone number (202) 653-6772, ext. 1057. Additional information on MAP is available from the MSPB website (www.mspb.gov – go to *The Appeals Process* page).

The MSPB is an independent, non-partisan quasi-adjudicatory agency with responsibility for deciding Federal employee appeals from management action taken against them and for protecting the integrity of the civil service and other Federal merit systems. The MSPB also conducts studies of the civil service and other merit systems in the Executive Branch.

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