U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

Office of Research,
Information and Planning

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OFFICE OF THE CHAIRMAN

May 19, 2010

The Honorable Susan Tsui Grundmann, Chairman
U.S. Merit Systems Protection Board
Office of the Chairman
1615 M Street, NW
Washington, DC 20419-0002

Dear Ms. Grundmann:

This responds to your invitation to the Chair of the U.S. Equal Employment Opportunity Commission (EEOC) to review and comment on the U.S. Merit Systems Protection Board's (MSPB) Open Government Plan (Plan), developed pursuant to the Office of Management and Budget (OMB)-issued "Open Government Directive" (Directive), dated December 8, 2009.

After careful review of the Plan, we note that, overall, MSPB has successfully crafted the 'first draft' of a sustainable document that currently satisfies the obligations under both the January 21, 2009, Presidential Memorandum titled "Transparency and Open Government," and the December 8, 2009, OMB Directive. Moreover, it tracks well against the criterion released by OMB in its "Open Government Plan Self Evaluation form,"— drawn directly from the text of the Directive as a guide to agencies in the appropriate development of content for their plans. Therefore, we find no substantive changes are warranted at this time.

We note favorably the following items concerning your plan. MSPB's promotion of greater public participation in the adjudicatory function, by providing the opportunity to submit amicus briefs, appears innovative. The agency's plan to hold oral arguments in cases of significance to the Federal sector employment community is also noteworthy.

EEOC offers the following suggestions and comments for your consideration.

- A Table of Contents would be helpful. When the Plan is posted electronically, individuals should be able to click on the specific section(s) of interest.

- The Introduction should clearly state the specific requirements of the Open Government Plan.

- It might be useful to condense the Introduction and consider moving Section 2 (Steps Taken by the MSPB in Developing this Plan) to an Appendix/Attachment; Section 3 (Publication and Updating of the MSPB's Open Government Plan) could then be moved to the Introduction.

- The first two sentences in Section 3, regarding data sets, should be moved to Section 4, Improving Transparency at the MSPB.

- An attempt was made to download the MSPB data sets from the Excel spreadsheets located on the agency's Open Government Web page (www.mspb.gov/open). See the reference in Section 3, page 3. However, they are not spreadsheets. They must be imported as comma delimited files. Even then, at the end of the file there is some information in the HTML markup. This is confusing to the reader.

- A definition of "high-value" data/information should be included in the Plan.

- The current description of the Flagship Initiative is written in general terms. The description of the Flagship Initiative should include how the improvements to transparency, participation, and/or collaboration will be measured. It should also explain how MSPB will know when the Flagship Initiative has achieved sustainability and/or if there is room for improvement?

- Under Section 9, it is not clear whether the reported measures of success listed on pages 13 and 14 refer specifically to the agency's Flagship Initiative/Outreach efforts under Section 7. Or, whether they more generally reflect MSPB's efforts to adopt overarching measures that incorporate the principles or transparency, participation, and collaboration into the core mission objectives of the agency.

We hope this information is helpful to you and appreciate the opportunity to review MSPB's current Open Government Plan. Please contact me if you have any questions at Deidre.Flippen@eeoc.gov.

Sincerely,

Deidre M. Flippen, Director
Office of Research, Information and Planning