U.S. Merit Systems Protection Board

FY 2002 Performance Report

Merit Systems Protection Board

Fiscal Year 2002

Performance Report

February 27, 2003

TABLE OF CONTENTS

Section **Page**

Mission 1

Guide To MSPB Office Functions And Acronyms 2

Performance Summary 3

Budget Activity – Adjudication: $28.5 Million 4
Strategic Plan Goal 1 To consistently provide fair, timely, and efficient adjudication of cases filed with the Board 4
Objective 1 – Issue high quality decisions 4
Goal 1.1.1 4
Goal 1.1.2 5
Goal 1.1.3 6
Goal 1.1.4 7
Objective 2 – Issue timely decisions at both the regional office and Board headquarters levels 8
Goal 1.2.1 8
Goal 1.2.2 9
Goal 1.2.3 10
Goal 1.2.4 11
Goal 1.2.5 12
Objective 3 – Hold increase in overall average case processing costs to no more than the percentage increase in operating costs, adjusted for the change in the number of decisions issued. 13
Goal 1.3.1 13
Goal 1.3.2 14
Objective 4 – Obtain customer input regarding the adjudicatory process 15
Goal 1.4.1 15
Goal 1.4.2 16

Strategic Plan Goal 2 To make effective use of alternative methods of dispute resolution in Board proceedings and to promote through education, outreach, and other appropriate means the use of alternative methods of dispute resolution and avoidance in the early stages of a dispute 17
Objective 1 – Continue the successful use of alternative dispute resolution (ADR) procedures in MSPB proceedings at both the regional office and Board headquarters levels 17
Goal 2.1.1 17
Goal 2.1.2 18
Goal 2.1.3 19
Goal 2.1.4 20
Objective 2 – Promote the use of ADR procedures in the early stages of a dispute in order to resolve appealable matters at the lowest practicable level and reduce the costs of conflict 21
Goal 2.2.1 21
Goal 2.2.2 22
Goal 2.2.3 23
Objective 3 – Provide governmentwide leadership in the use of ADR to resolve Federal personnel disputes 26
Goal 2.3.1 26

Budget Activity – Merit Systems Studies: $1.1 Million 27
Strategic Plan Goal 3 To provide information, analyses, and recommendations on Federal personnel programs, policies, and initiatives to policymakers, Federal agencies and employees, and others with an interest in Federal human resources management 27
Objective 1 – Conduct governmentwide merit systems studies that provide information on, and analyses of, the state of Federal merit systems and the Federal workforce to policymakers, Federal agencies and employees, and others with an interest in Federal human resources management; and make recommendations for improving the Federal Government's ability to implement and maintain effective human resources management programs, policies, and practices that adhere to the merit system principles 27
Goal 3.1.1 27
Goal 3.1.2 30
Goal 3.1.3 33
Goal 3.1.4 34
Objective 2 – Determine through merit systems studies the extent to which Executive Branch departments and agencies operate in a manner consistent with the statutory merit system principles and the extent to which prohibited personnel practices occur in the Federal workplace 35

Goal 3.2.1 35

Budget Activity - Management Support: $3.4 Million 36

Strategic Plan Goal 4 To strengthen the MSPB's internal systems and processes to support a continually improving, highly effective and efficient organization with the flexibility to meet program needs 36

Objective 1 – Develop and implement a MSPB strategic plan, with appropriate annual performance goals, objectives and measures, to direct individual and organizational efforts 36

Goal 4.1.1 36

Objective 2 – Allocate resources in support of mission requirements with flexibility to meet changes in workload and agency priorities 38

Goal 4.2.1 38

Objective 3 – Develop and implement an integrated and updated automated agency-wide case management system to assist in effective case processing, management, and program evaluation 39

Goal 4.3.1 39

Objective 4 – Develop and implement electronic case filing to allow appellants and agencies to file and receive documents electronically 40

Goal 4.4.1 40

Objective 5 – Improve electronic access via the Internet and other available resources to MSPB case-related decisions, procedures and guidance 42

Goal 4.5.1 42

Objective 6 – Identify, test, and implement, as appropriate, new technologies that will increase efficiency, reduce costs, and improve customer service 45

Goal 4.6.1 45

Goal 4.6.2 47

Strategic Plan Goal 5 To develop the MSPB's human resources to ensure a continually improving, highly effective and efficient organization with the flexibility to meet program needs 48

Objective 1 – Recruit, train, and retain skilled, highly motivated employees to effectively and efficiently accomplish the MSPB mission 48

Objective 2 – Ensure that all employees and components of the MSPB work well together and integrate their efforts to accomplish the MSPB mission 48

Objective 3 – Promote efficient and effective accomplishment of the MSPB mission by providing a work environment with workplace policies and programs that enable MSPB employees to excel 48

Goal 5.1 49

Goal 5.2.....52
Goal 5.3.....53
Goal 5.4.....54
Goal 5.5.....55

Merit Systems Protection Board
FY 2002 Performance Report

MISSION

The Merit Systems Protection Board (MSPB) is an independent quasi-judicial agency established to protect Federal merit systems against partisan political and other prohibited personnel practices and to ensure adequate protection for employees against abuses by agency management. The Board carries out its statutory mission principally by:

- Adjudicating employee appeals of personnel actions over which the Board has jurisdiction, such as removals, suspensions, furloughs, and demotions;
- Adjudicating employee complaints filed under the Whistleblower Protection Act, the Uniformed Services Employment & Reemployment Rights Act (USERRA), and the Veterans Employment Opportunities Act;
- Adjudicating cases brought by the Special Counsel, principally complaints of prohibited personnel practices and Hatch Act violations;
- Adjudicating requests to review regulations of the Office of Personnel Management (OPM) that are alleged to require or result in the commission of a prohibited personnel practice—or reviewing such regulations on the Board's own motion;
- Ordering compliance with final Board orders where appropriate; and
- Conducting studies of the Federal civil service and other merit systems in the Executive Branch to determine whether they are free from prohibited personnel practices.

GUIDE TO MSPB OFFICE FUNCTIONS AND ACRONYMS

All offices operate under the direction of the Chairman as CEO and report to the Chairman through the Chief of Staff, who also serves as the Chief Information Officer.

ORO Office of Regional Operations – Manages the adjudicatory and administrative functions of the MSPB regional offices. Administrative judges in the regional offices adjudicate cases and issue initial decisions.

ALJ Office of the Administrative Law Judge – Adjudicates complaints filed by the Special Counsel, complaints filed by agencies against administrative law judges, and other assigned cases, and issues initial decisions.

OAC Office of Appeals Counsel – Prepares proposed final decisions for the Board on petitions for review (PFRs) of initial decisions.

OCB Office of the Clerk of the Board – Dockets cases received at headquarters and issues all Board decisions. Operates public information center, including responsibility for the MSPB website and other electronic information programs.

OGC Office of the General Counsel – Legal advisor to the Board. Conducts the Board's litigation. Prepares proposed final decisions for the Board in certain assigned cases.

OPE Office of Policy and Evaluation – Conducts the Board's governmentwide merit systems studies. Also conducts customer surveys.

FAM Financial and Administrative Management – Manages financial and administrative programs, including budget, procurement, and contracting. Manages interagency agreements with APHIS Business Services for performance of HRM functions, Bureau of the Public Debt (BPD) for accounting services, and National Finance Center (NFC) for payroll services.

IRM Information Resources Management – Manages information technology programs. Principal advisor to CIO on IT matters. Responsible for technical requirements of electronic case processing system and electronic information programs.

OEEO Office of Equal Employment Opportunity – Manages EEO program.

PERFORMANCE SUMMARY

The MSPB Performance Plan for FY 2002-FY 2003 included 38 performance goals under the 5 strategic goals of the agency's Strategic Plan, FY 2001-FY 2006. Three of the performance goals for FY 2002, however, were contingent on the enactment of legislation authorizing the Board to conduct a voluntary early intervention alternative dispute resolution (ADR) pilot program. Because this legislation was not enacted during FY 2002, results for those three goals are shown as *not applicable* in this Performance Report. Of the remaining 35 goals for which results are reported herein, the MSPB met 30 of them—for a success rate of 86 percent.

Strategic Plan Goal 1, Adjudication – The MSPB met all but 2 of the 13 performance goals under this Strategic Plan goal. All of the goals related to decision quality were met. Of the five goals related to case processing timeliness, three were met. The goals not met were those for average processing time for enforcement cases at headquarters (Goal 1.2.3) and number of overage cases pending at headquarters at year-end (Goal 1.2.4). All of the remaining goals under this Strategic Plan goal were met.

Strategic Plan Goal 2, Alternative Dispute Resolution – Except for the three goals that are not applicable to this Performance Report because the authorizing legislation for the ADR pilot program was not enacted, all of the performance goals under this Strategic Plan goal were met.

Strategic Plan Goal 3, Merit Systems Studies – All but one of the performance goals under this Strategic Plan goal were met. The goal for issuance of a report on the 2000 Merit Principles Survey (Goal 3.2.1) was not met.

Strategic Plan Goal 4, Management and Administration – All but two of the performance goals under this Strategic Plan goal were met. The goals not met were those for implementation of the new case management system, Law Manager (Goal 4.3.1), and implementation of a pilot electronic filing system (Goal 4.4.1).

Strategic Plan Goal 5, Human Resources – All of the performance goals under this Strategic Plan goal were met.

BUDGET ACTIVITY – ADJUDICATION: $28.5 MILLION

Strategic Plan Goal 1 To consistently provide fair, timely, and efficient adjudication of cases filed with the Board		
Objective 1 – Issue high quality decisions		
Performance Goals	**Component**	**Experience**
Goal 1.1.1 Maintain/reduce low percentage of cases decided by the Board on petition for review (PFR) that are reversed and/or remanded to MSPB judges for a new decision **FY 2002 Goal** – 10 % or less **FY 2003 Goal** – 10 % or less	Board, ORO/Regional Offices, ALJ	**FY 1999 Actual** – 15 % **FY 2000 Actual** – 12 % **FY 2001 Actual** – 12.6 % **FY 2002 Actual** – 8 %

FY 2002 Results

This goal was met. In recent years, the percentage of PFRs reversed and/or remanded to MSPB administrative judges for a new decision has ranged from 10 percent to 15 percent. The result achieved in FY 2002 was below the low end of that range. However, results for this goal can be affected by a number of factors, including normal year-to-year variations in the cases reviewed by the Board, decisions issued by the Board or the Federal Circuit that change prior precedent, new Board regulations and policy pronouncements, vacancies on the Board, and changes in the membership of the Board. The goal for FY 2003 is maintained at 10 percent or less.

Performance Goals	Component	Experience
Goal 1.1.2 Maintain/reduce low percentage of proposed decisions submitted by headquarters legal offices to the Board that are returned for rewrite **FY 2002 Goal** – 12 % or less **FY 2003 Goal** – 12 % or less	Board, OAC, OGC	**FY 1999 Actual** – 14 % **FY 2000 Actual** – 9 % **FY 2001 Actual** – 15 % **FY 2002 Actual** – 8 %

FY 2002 Results

This goal was met. In recent years, the percentage of proposed decisions returned by the Board to headquarters legal offices for rewrite has ranged from 8 percent to 17 percent. The result achieved in FY 2002 was at the low end of that range. However, results for this goal can be affected by a number of factors, including normal year-to-year variations in the cases reviewed by the Board, decisions issued by the Board or the Federal Circuit that change prior precedent, new Board regulations and policy pronouncements, vacancies on the Board, and changes in the membership of the Board. The goal for FY 2003 is maintained at 12 percent or less.

Performance Goals	Component	Experience
Goal 1.1.3 Maintain low percentage of remands to the Board from the U.S. Court of Appeals for the Federal Circuit **FY 2002 Goal** – 7 % or less **FY 2003 Goal** – Not applicable	Board, ORO/Regional Offices, ALJ, OAC, OGC	**FY 1999 Actual** – 4 % **FY 2000 Actual** – 4 % **FY 2001 Actual** – 4 % **FY 2002 Actual** – 6 %

FY 2002 Results

This goal was met. In recent years, the percentage of final Board decisions remanded upon review by the U.S. Court of Appeals for the Federal Circuit has ranged from 3 percent to 6 percent. The remand rate in FY 2002 was at the upper end of the expected range and reflects normal year-to-year variations.

Both Goal 1.1.3 and Goal 1.1.4 used outcomes of reviews of final Board decisions by the U.S. Court of Appeals for the Federal Circuit to measure the quality of those decisions. Because a single goal is sufficient for that purpose, this goal has been discontinued and Goal 1.1.4 has been retained (and renumbered as Goal 1.1.3) in the agency's Performance Plan for FY 2003-FY 2004.

Performance Goals	Component	Experience
Goal 1.1.4 Maintain high percentage of Board decisions unchanged on review by the U.S. Court of Appeals for the Federal Circuit (Court dismisses case or affirms Board decision) **FY 2002 Goal** – 93 % or greater **FY 2003 Goal** – 93 % or greater	Board, ORO/Regional Offices, ALJ, OAC, OGC	**FY 1999 Actual** – 93 % **FY 2000 Actual** – 96 % **FY 2001 Actual** – 96 % **FY 2002 Actual** – 93 %

FY 2002 Results

This goal was met. In recent years, the percentage of final Board decisions that remained unchanged (decision affirmed or case dismissed) upon review by the U.S. Court of Appeals for the Federal Circuit has ranged from 93 percent to 96 percent. The rate achieved in FY 2002 was at the lower end of the expected range and reflects normal year-to-year variations. The goal for FY 2003 assumes that results for this indicator of decision quality can be maintained within the expected range.

This goal has been renumbered as Goal 1.1.3 in the agency's Performance Plan for FY 2003-FY 2004.

Objective 2 – Issue timely decisions at both the regional office and Board headquarters levels		
Performance Goals	**Component**	**Experience**
Goal 1.2.1 Maintain average case processing time for initial decisions issued in regional offices **FY 2002 Goal** – 100 days or less **FY 2003 Goal** – 100 days or less	ORO/Regional Offices	**FY 1999 Actual** – 100 days **FY 2000 Actual** – 89 days **FY 2001 Actual** – 92 days **FY 2002 Actual** – 96 days

FY 2002 Results

This goal was met. The average case processing time for initial decisions issued in the regional offices has ranged from 89 days to 108 days in recent years. To encourage timely case processing, the Board established the target for this goal in the lower part of that range—100 days or less. The 96-day average case processing time achieved in FY 2002 exceeds that target. The goal for FY 2003 assumes that results for this indicator of case processing timeliness in the Board's regional and field offices can be maintained at 100 days or less, assuming relative stability in case receipts and regional office staffing.

Performance Goals	Component	Experience
Goal 1.2.2 Maintain/reduce average case processing time for decisions on PFRs issued by the Board **FY 2002 Goal** – 195 days or less **FY 2003 Goal** – 190 days or less	Board, OAC, OGC, OCB	**FY 1999 Actual** – 222 days **FY 2000 Actual** – 176 days **FY 2001 Actual** – 214 days **FY 2002 Actual** – 205 days

FY 2002 Results

This goal was met. The average case processing time for decisions on PFRs issued by the Board in FY 2002 was 205 days—within 5 percent of the goal. In accordance with OMB instructions for agency Performance Reports (OMB Circular A-11 (2002), section 231.4(c)), this goal is considered met because the performance goal was set months in advance at an approximate target level, and the deviation from that level is slight. The 205-day average case processing time in FY 2002 falls within the range of recent years—176 days to 222 days—and is an improvement over the average processing time in the previous fiscal year. The target for FY 2003 is maintained at the previously established level of 190 days or less to provide continued encouragement to the Board and the headquarters legal offices to improve case processing timeliness.

Performance Goals	Component	Experience
Goal 1.2.3 Reduce average case processing time in the Office of the General Counsel for enforcement cases **FY 2002 Goal** – 160 days or less **FY 2003 Goal** – Not applicable	Board, OGC	**FY 1999 Actual** – 206 days **FY 2000 Actual** – 206 days **FY 2001 Actual** – 224 days **FY 2002 Actual** – 208 days

FY 2002 Results

This goal was not met. Although the 208-day average processing time for enforcement cases in OGC in FY 2002 is a significant decrease from the previous fiscal year, it falls short of the target by 30 percent. Nevertheless, the average processing time of 208 days is consistent with the results achieved in both FY 1999 and FY 2000. Enforcement cases frequently take an unusually long time to process because they cannot be closed until an agency has completely complied with a Board order, including payment of back pay and benefits, with interest, and restoration to the appellant's Thrift Savings Plan account. Thus, the Board must rely on an agency to present its evidence of compliance promptly, with a narrative explanation sufficient to explain its calculations to the appellant and the Board. The average processing times in recent years represent a significant achievement by OGC in closing a substantial number of overage enforcement cases. When a large number of overage cases are closed in a given year, the effect is to *raise* the average case processing time for that year.

This goal has been discontinued in the agency's Performance Plan for FY 2003-FY 2004. Enforcement cases at headquarters constitute only a small part of the headquarters caseload—62 cases out of a total of about 1,300 headquarters cases decided in FY 2002. While a few enforcement cases were among the oldest pending cases at headquarters, the Board's efforts in recent years to focus attention on closing overage enforcement cases have been successful. Therefore, performance goals focused solely on enforcement cases are no longer necessary in the Performance Plan.

Performance Goals	Component	Experience
Goal 1.2.4 Reduce number of cases pending at headquarters for more than 300 days **FY 2002 Goal** – 48 cases or fewer **FY 2003 Goal** – 46 cases or fewer	Board, OAC, OGC, OCB	**FY 1999 Actual** – 77 cases (not including 15 enforcement cases) pending more than one year (365 days) at year-end **FY 2000 Actual** – 53 cases pending more than 300 days at year-end (target was lowered from 365 days to 300 days midway through FY 2000 and enforcement cases were added) **FY 2001 Actual** – 45 cases pending more than 300 days at year-end **FY 2002 Actual** – 61 cases pending more than 300 days at year-end

FY 2002 Results

This goal was not met. Despite the continuing focus of the Board members and the headquarters legal offices on reducing the number of overage cases pending at headquarters, the number pending at year-end was 27 percent above the target. This result reflects the fact that, for the last three-quarters of the fiscal year, the Board had only two members. The Board decides cases by majority vote, and when there are only two members, there is an increased likelihood that some cases will take an unusually long time to close because the two members cannot agree on the disposition. The majority of cases pending for more than 300 days at the end of FY 2002 were cases in which the two Board members could not reach agreement. In the first four months of FY 2003, 12 of those cases have been closed. In an effort to reduce the likelihood of cases becoming overage under similar circumstances in the future, the Board has established a process whereby decision-writing attorneys in OAC engage in earlier consultations with the Board members' staffs to devise dispositions to achieve resolution. Despite the FY 2002 result, the previously established target for FY 2003 is maintained to provide continued encouragement to the Board and the headquarters legal offices to reduce the number of pending overage cases. This goal has been renumbered as Goal 1.2.3 in the agency's Performance Plan for FY 2003-FY 2004.

Performance Goals	Component	Experience
Goal 1.2.5 Reduce number of enforcement cases pending at headquarters for more than 300 days **FY 2002 Goal** – 4 cases or fewer **FY 2003 Goal** – Not applicable	Board, OGC, OCB	**FY 1999 Actual** – Not applicable **FY 2000 Actual** – Not applicable **FY 2001 Actual** – Not applicable **FY 2002 Actual** – 4 cases pending more than 300 days at year-end

FY 2002 Results

This goal was met. This was a new goal for FY 2002 and was intended to provide further encouragement to improve the processing time for enforcement cases at headquarters.

Like Goal 1.2.3, this goal has been discontinued in the agency's Performance Plan for FY 2003-FY 2004. Enforcement cases at headquarters constitute only a small part of the headquarters caseload. While a few enforcement cases were among the oldest pending cases at headquarters, the Board's efforts in recent years to focus attention on closing overage enforcement cases have been successful. Therefore, performance goals focused solely on enforcement cases are no longer necessary in the Performance Plan.

Objective 3 – Hold increase in overall average case processing costs to no more than the percentage increase in operating costs, adjusted for the change in the number of decisions issued.		
Performance Goals	**Component**	**Experience**
Goal 1.3.1 Use video conference hearings and telephone hearings, where appropriate, to reduce case processing costs **FY 2002 Goal** – Continue to hold video and telephone hearings in appropriate cases **FY 2003 Goal** – Not applicable	ORO/Regional Offices, ALJ, FAM	**FY 1999 Actual** – Video and telephone hearings held in appropriate cases **FY 2000 Actual** – Video and telephone hearings held in appropriate cases **FY 2001 Actual** – Video and telephone hearings held in appropriate cases **FY 2002 Actual** – Video and telephone hearings held in appropriate cases

FY 2002 Results

This goal was met. The goal was intended to encourage continued use of the cost-saving video conferencing technology—as well as telephone hearings—while recognizing that their use may not be appropriate in many cases. In the last quarter of FY 2002, the Board—through its decisions—provided greater guidance as to when the use of video hearings is appropriate.

This goal has been discontinued in the agency's Performance Plan for FY 2003-FY 2004. The Board continues to use video hearings and telephone hearings, where appropriate. Because such use has been incorporated into the Board's standard adjudicatory procedures, a specific performance goal is no longer necessary.

Performance Goals	Component	Experience
Goal 1.3.2 Hold increase in overall average case processing costs to no more than the percentage increase in operating costs, adjusted for the changes in the number of decisions issued **FY 2002 Goal** – $2,820 plus percentage increase in operating costs, adjusted for the changes in the number of decisions issued. **FY 2003 Goal** – $2,821plus percentage increase in operating costs, adjusted for the changes in the number of decisions issued.	Board, All Legal Offices	**FY 1999 Actual** – $2,775 **FY 2000 Actual** – $2,876 (adjusted) **FY 2001 Actual** – $2,820 (adjusted) **FY 2002 Actual** – $2,821 (adjusted)

FY 2002 Results

This goal was met. The average case processing cost in FY 2002—adjusted for year-to-year variations in the number of cases processed and to amortize the cost of the electronic case processing system—was $2,821. This number is virtually identical to the adjusted average case processing cost in FY 2001. As in past years, the success of the Board's settlement programs is a significant factor in containing case processing costs (see Goal 2.1.3). The goal established for FY 2003 calls for continuing to hold the increase in the average case processing cost to no more than the percentage increase in the operating costs that most affect case processing—salaries and benefits, travel expenses, and the cost of court reporting services—adjusted for year-to-year variations in the number of cases processed and to amortize the cost of the electronic case processing system.

This goal has been renumbered Goal 1.3.1 in the agency's Performance Plan for FY 2003-FY 2004.

Objective 4 – Obtain customer input regarding the adjudicatory process		
Performance Goals	**Component**	**Experience**
Goal 1.4.1 Continue to evaluate and implement, as appropriate, suggestions received from customer surveys regarding the adjudicatory process **FY 2002 Goal** – Continue to conduct customer surveys and implement suggestions as appropriate **FY 2003 Goal** – Seek feedback from persons appearing before the Board and provide that feedback to ORO for use in improving adjudicatory processes and developing best practices (Regional and Field Office staff)	Board, All Legal Offices, OPE	**FY 1999 Actual** – Revised PFR Form in response to suggestions from customer survey **FY 2000 Actual** – Conducted survey on experience of parties and MSPB judges with bench decisions and video hearings **FY 2001 Actual** – Evaluated and published results of survey on experience of parties and MSPB judges with bench decisions and video hearings; bench decisions and video hearings are now incorporated into MSPB adjudicatory procedures **FY 2002 Actual** – Conducted survey of customers of new video explaining MSPB appeals process; report on findings prepared by OPE and reviewed by ORO

FY 2002 Results

This goal was met. Early in FY 2002, the Board released a new video, "Introduction to Federal Employee Appeals with the Merit Systems Protection Board," that provides parties to MSPB appeals with a guide to the Board's procedures for hearing and deciding appeals. Customers who requested the video were surveyed to determine whether they found the video useful. A report on the survey results was prepared by OPE and reviewed by ORO. Appropriate suggestions will be implemented should this video be revised or another video produced. In the agency's Performance Plan for FY 2003-FY 2004, the goal for FY 2003 has been revised to reflect specific plans for seeking customer feedback in that year.

Performance Goals	Component	Experience
Goal 1.4.2 Evaluate suspended case pilot program to determine impact of allowing additional time for discovery and settlement efforts **FY 2002 Goal** – Based on evaluation of pilot program and recommendations submitted to the Chairman in FY 2001, decide whether to make program permanent or discontinue it **FY 2003 Goal** – Not applicable	OPE, ORO/Regional Offices	**FY 1999 Actual** – Not applicable **FY 2000 Actual** – Suspended case pilot program implemented **FY 2001 Actual** – Suspended case pilot program evaluated and recommendations submitted to the Chairman—recommended making program permanent and soliciting customer comment when regulations are published **FY 2002 Actual** – The Board approved making the suspended case program permanent; interim regulations, with request for comments, were published in JAN 2002; final regulations were published in SEP 2002

FY 2002 Results

This goal was met. The suspended case pilot program, launched early in FY 2000, was intended to test whether allowing extended time for the parties to engage in discovery and settlement efforts could improve the Board's case processing. The evaluation conducted in FY 2001 suggested that the program facilitates due process while maintaining controls to ensure timely processing of appeals, and the report submitted to the Chairman recommended making the program permanent. The Board approved this recommendation early in FY 2002. Interim regulations were published January 28, 2002, and following review of public comments, final regulations were published on September 19, 2002.

Because this goal has been accomplished, it has been discontinued in the agency's Performance Plan for FY 2003-FY 2004.

Strategic Plan Goal 2 **To make effective use of alternative methods of dispute resolution in Board proceedings and to promote through education, outreach, and other appropriate means the use of alternative methods of dispute resolution and avoidance in the early stages of a dispute**		
Objective 1 – Continue the successful use of alternative dispute resolution (ADR) procedures in MSPB proceedings at both the regional office and Board headquarters levels		
Performance Goals	**Component**	**Experience**
Goal 2.1.1 Maintain rate of settlement of initial appeals that are not dismissed at 50 % or higher **FY 2002 Goal** – 50 % or higher **FY 2003 Goal** – 50 % or higher	ORO/Regional Offices	**FY 1999 Actual** – 53 % **FY 2000 Actual** – 55 % **FY 2001 Actual** – 57 % **FY 2002 Actual** – 54 %

FY 2002 Results

This goal was met. The settlement rate for initial appeals that are not dismissed has ranged from 50 percent to 57 percent in recent years. Although the settlement rate in FY 2002 decreased slightly from the previous fiscal year, it remains within the expected range. The goal for FY 2003 is maintained at 50 percent or higher.

Performance Goals	Component	Experience
Goal 2.1.2 Maintain rate of settlement of cases selected for PFR Settlement Program at 25 % or higher **FY 2002 Goal** – 25 % or higher **FY 2003 Goal** – 25 % or higher	OAC	**FY 1999 Actual** – 27 % **FY 2000 Actual** – 24 % **FY 2001 Actual** – 27 % **FY 2002 Actual** – 26 %

FY 2002 Results

This goal was met. The settlement rate for petitions for review (PFRs) selected for the PFR Settlement Program at headquarters has ranged from 21 percent to 29 percent since its inception in FY 1994. The rate of 26 percent achieved in FY 2002 falls within the expected range. The goal for FY 2003 is maintained at 25 percent or higher and is intended to encourage OAC to work for results at the higher end of the expected range.

Performance Goals	Component	Experience
Goal 2.1.3 Calculate savings in case processing costs attributable to settlement programs **FY 2002 Goal** – Using methodology for calculating what case processing costs would have been absent MSPB settlement programs (developed in FY 2001), calculate estimate of cost savings **FY 2003 Goal** – Not applicable	ORO/Regional Offices, OAC, FAM	**FY 1999 Actual** – Not applicable **FY 2000 Actual** – Not applicable **FY 2001 Actual** – Methodology for calculating what case processing costs would have been absent MSPB settlement programs was developed and tested; annual cost savings calculated to be approximately $4.2 million **FY 2002 Actual** – Annual cost savings calculated to be approximately $4.3 million

FY 2002 Results

This goal was met. The methodology developed by FAM reflects the fact that cost savings are achieved by MSPB settlement programs because fewer hearings are held, the total case processing time is shorter, and fewer initial appeals are brought to the Board on petition for review (PFR). The calculation made by FAM for FY 2002 produced an estimated annual cost savings of $4.3 million.

This goal has been discontinued in the agency's Performance Plan for FY 2003-FY 2004. Experience with the goal over the past two years has demonstrated that it does not produce particularly useful performance information. Current MSPB settlement programs have been in effect for many years, and cost savings from those programs are reflected in appropriations requests that are significantly lower than they would have been had such programs not been in effect.

Performance Goals	Component	Experience
Goal 2.1.4 Respond promptly to customer inquiries regarding the PFR Settlement Program **FY 2002 Goal** – Respond to inquiries within 3 days or less **FY 2003 Goal** – Not applicable	OAC	**FY 1999 Actual** – Not applicable **FY 2000 Actual** – Not applicable **FY 2001 Actual** – Not applicable **FY 2002 Actual** – Responses to customer inquiries made within 48 hours

FY 2002 Results

This goal was met. This was a new goal for FY 2002 and was intended to ensure that OAC would respond promptly to customer inquiries regarding the PFR Settlement Program. Although there had been only an occasional problem with response time previously, OAC established a standard of responding to inquiries within 48 hours, and that standard has been met on a regular basis.

This goal has been discontinued in the agency's Performance Plan for FY 2003-FY 2004. Because OAC regularly responds to inquiries regarding the PFR Settlement Program within 48 hours, the goal is no longer necessary.

Objective 2 – Promote the use of ADR procedures in the early stages of a dispute in order to resolve appealable matters at the lowest practicable level and reduce the costs of conflict		
Performance Goals	**Component**	**Experience**
Goal 2.2.1 If legislation authorizing the MSPB to conduct voluntary early intervention ADR pilot program is enacted in FY 2002 and funds are appropriated for FY 2003: Implement voluntary early intervention ADR pilot program **FY 2002 Goal** – Continue work of ADR Working Group with respect to ADR training, outreach, and other implementation matters **FY 2003 Goal** – Not applicable	Chairman, All Legal Offices, OPE	**FY 1999 Actual** – Not applicable **FY 2000 Actual** – Not applicable **FY 2001 Actual** – Not applicable **FY 2002 Actual** – Not applicable

FY 2002 Results

Because legislation authorizing the MSPB to conduct a voluntary early intervention ADR pilot program was not enacted in FY 2002, this goal is *not applicable* to the year covered by this report. See Goal 2.2.3 for a description of results achieved by the ADR Working Group with respect to expanding the use of ADR in Board proceedings.

This goal has been discontinued in the agency's Performance Plan for FY 2003-FY 2004.

Performance Goals	Component	Experience
Goal 2.2.2 If legislation authorizing the MSPB to conduct voluntary early intervention ADR pilot program is enacted in FY 2002 and funds are appropriated for FY 2003: Develop a well regarded capability to fully participate in ADR case work, which is used by appellants and agencies, and results in less litigation **FY 2002 Goal** – Not applicable **FY 2003 Goal** – Not applicable	Chairman, All Legal Offices, FAM	**FY 1999 Actual** – Not applicable **FY 2000 Actual** – Not applicable **FY 2001 Actual** – Not applicable **FY 2002 Actual** – Not applicable

FY 2002 Results

Because legislation authorizing the MSPB to conduct a voluntary early intervention ADR pilot program was not enacted in FY 2002, this goal is *not applicable* to the year covered by this report. In addition, no specific goal for FY 2002 was established in the agency's Performance Plan because it was anticipated that work on this goal could not begin until the year after the year in which the voluntary early intervention ADR pilot program was implemented (Goal 2.2.1).

This goal has been discontinued in the agency's Performance Plan for FY 2003-FY 2004.

Performance Goals	Component	Experience
Goal 2.2.3 If legislation authorizing the MSPB to conduct voluntary early intervention ADR pilot program is NOT enacted: Conduct outreach focused on agency decision makers, emphasizing the benefits of early use of ADR and providing information on both the Board's ADR initiatives and other ADR processes that are available **FY 2002 Goal** – Incorporate ADR techniques into current settlement programs; continue work of ADR Working Group with respect to ADR training, outreach, and other implementation matters; within available resources, continue to emphasize benefits of early use of ADR through outreach activities; work with OPM to obtain better access to agency decision makers to discuss benefits of ADR; coordinate outreach on ADR directly with agencies and with OSC, FLRA, and EEOC **FY 2003 Goal (for new Goal 2.1.3)** – Conduct additional training for mediators; conduct training for MSPB staff in the regional offices that will serve as pilot sites; conduct outreach to potential participants in the mediation process; accept cases for mediation; evaluate results achieved by pilot program	Mediation Appeals Project (MAP) Manager; all Legal Offices	**FY 1999 Actual** – Assisted in training agency personnel to recognize and attempt to resolve disputes in their early stages; promoted MSPB ADR initiatives and processes in such forums as the Federal Dispute Resolution Conference, OPM executive training seminars, Public Administration Forum training, Employee Law Institute training, and Federal radio talk show **FY 2000 Actual** – Same as in FY 1999 **FY 2001 Actual** – Conducted mediation training at MSPB Legal Conference; continued to promote ADR through various outreach appearances by MSPB officials; met with OSC, FLRA, and EEOC to discuss outreach on ADR and other matters; established ADR Working Group, which met with ADR experts, prepared statement of work for mediation training and development of an ADR program, and selected contractor **FY 2002 Actual** – See next page

Performance Goals	Component	Experience
Goal 2.2.3 (continued) If legislation authorizing the MSPB to conduct voluntary early intervention ADR pilot program is NOT enacted: Conduct outreach focused on agency decision makers, emphasizing the benefits of early use of ADR and providing information on both the Board's ADR initiatives and other ADR processes that are available **FY 2002 Goal** – Incorporate ADR techniques into current settlement programs; continue work of ADR Working Group with respect to ADR training, outreach, and other implementation matters; within available resources, continue to emphasize benefits of early use of ADR through outreach activities; work with OPM to obtain better access to agency decision makers to discuss benefits of ADR; coordinate outreach on ADR directly with agencies and with OSC, FLRA, and EEOC **FY 2003 Goal (for new Goal 2.1.3)** – Conduct additional training for mediators; conduct training for MSPB staff in the regional offices that will serve as pilot sites; conduct outreach to potential participants in the mediation process; accept cases for mediation; evaluate results achieved by pilot program	Mediation Appeals Project (MAP) Manager; all Legal Offices	**FY 2002 Actual** – Worked with contractor to develop Mediation Appeals Project (MAP); announced MAP to all MSPB employees and solicited applications to be a mediator; selected mediators and conducted training; promoted MAP through outreach activities; established MAP marketing program; first two co-mediations completed by MAP-trained mediators working with contractor

FY 2002 Results

This goal was met. The work of the ADR Working Group in the previous fiscal year concluded with the selection of a contractor to develop a pilot mediation program to test the use of mediation in the Board's appellate proceedings. In FY 2002, the Mediation Appeals Project (MAP) was developed and launched. Under the MAP, the parties to an appeal filed with a MSPB regional or field office are offered the opportunity to submit their dispute to a trained mediator. If the dispute cannot be resolved through that mediation, the appeal is returned to the regular adjudication process. The MAP is a supplement to, not a replacement for, the Board's existing settlement programs.

During FY 2002, the Board announced MAP to all MSPB employees and solicited applications to be a mediator, selected mediators and conducted training, promoted MAP through outreach activities, and established a MAP marketing program. In addition, MAP-trained mediators working with the contractor completed the first two co-mediations. The MAP pilot period continues into FY 2003. During that year, the Board will conduct training for MSPB staff in the regional offices that will serve as pilot sites, conduct outreach to potential participants in the mediation process, and conduct additional mediations. At the end of the pilot period, the results achieved by the pilot program will be evaluated.

In addition to outreach on MAP, Board employees conducted outreach on the longstanding settlement program at the regional level and the PFR Settlement Program at headquarters. Representatives of the PFR Settlement Program also met with representatives of the EEOC and the Office of Special Counsel to discuss the operation of each agency's settlement programs.

In the agency's Performance Plan for FY 2003-FY 2004, the portion of this goal dealing with the incorporation of additional ADR techniques into MSPB settlement programs has been retained as new Goal 2.1.3. The remainder of this goal was based on the expectation that legislation authorizing the MSPB to conduct a voluntary early intervention ADR pilot program would be enacted. Because such legislation was not enacted, that portion of the goal has been discontinued in the agency's Performance Plan for FY 2003-FY 2004.

Objective 3 – Provide governmentwide leadership in the use of ADR to resolve Federal personnel disputes		
Performance Goals	**Component**	**Experience**
Goal 2.3.1 Conduct customer surveys, with OMB approval, to determine awareness of MSPB ADR initiatives and use of MSPB-provided ADR services **FY 2002 Goal** – Not applicable **FY 2003 Goal** – Not applicable	OPE	**FY 1999 Actual** – Not applicable **FY 2000 Actual** – Not applicable **FY 2001 Actual** – Not applicable **FY 2002 Actual** – Not applicable

FY 2002 Results

Because legislation authorizing the MSPB to conduct a voluntary early intervention ADR pilot program was not enacted in FY 2002, this goal is *not applicable* to the year covered by this report. In addition, no specific goal for FY 2002 was established in the agency's Performance Plan because it was anticipated that work on this goal could not begin until the year after the year in which the voluntary early intervention ADR pilot program was implemented (Goal 2.2.1).

This goal has been discontinued in the agency's Performance Plan for FY 2003-FY 2004.

BUDGET ACTIVITY – MERIT SYSTEMS STUDIES: $1.1 MILLION

Strategic Plan Goal 3
To provide information, analyses, and recommendations on Federal personnel programs, policies, and initiatives to policymakers, Federal agencies and employees, and others with an interest in Federal human resources management

Objective 1 – Conduct governmentwide merit systems studies that provide information on, and analyses of, the state of Federal merit systems and the Federal workforce to policymakers, Federal agencies and employees, and others with an interest in Federal human resources management; and make recommendations for improving the Federal Government's ability to implement and maintain effective human resources management programs, policies, and practices that adhere to the merit system principles

Performance Goals	Component	Experience
Goal 3.1.1 Conduct studies of relevant human resources management issues in the Federal Government and issue reports with relevant recommendations **FY 2002 Goal** – Continue to conduct program of merit systems studies that provide useful data, analyses, and recommendations; publish 4 major reports and 4 issues of newsletter **FY 2003 Goal** – Develop long-term research agenda for in-depth studies, focusing on broad HRM issues; publish at least 6 major reports and a quarterly newsletter; conduct less intensive studies on current topics of particular interest to the President and Congress; improve access to CPDF; explore use of electronic surveys; formalize collaborative relationships with other research organizations	Board, OPE	**FY 1999 Actual** – Conducted ongoing program of merit systems studies, including issuance of 2 major reports and 4 editions of newsletter, and responses to more than 200 individual and institutional requests for data runs, advisory assistance and other studies-related information **FY 2000 Actual** – See next page **FY 2001 Actual** – See next page **FY 2002 Actual** – See next page

Performance Goals	Component	Experience
Goal 3.1.1 (continued) Conduct studies of relevant human resources management issues in the Federal Government and issue reports with relevant recommendations **FY 2002 Goal** – Continue to conduct program of merit systems studies that provide useful data, analyses, and recommendations; publish 4 major reports and 4 issues of newsletter **FY 2003 Goal** – Develop long-term research agenda for in-depth studies, focusing on broad HRM issues; publish at least 6 major reports and a quarterly newsletter; conduct less intensive studies on current topics of particular interest to the President and Congress; improve access to CPDF; explore use of electronic surveys; formalize collaborative relationships with other research organizations	Board, OPE	**FY 2000 Actual** – Conducted ongoing program of merit systems studies, including issuance of 2 major reports and 5 editions of newsletter; responded to about 250 individual and institutional requests for data runs, advisory assistance and other studies-related information **FY 2001 Actual** – Conducted ongoing program of merit systems studies, including issuance of 1 major study report and 4 editions of newsletter (3 additional major study reports were completed and submitted to the Board for approval); responded to about 250 individual and institutional requests for data runs, advisory assistance and other studies-related information **FY 2002 Actual** – Conducted ongoing program of merit systems studies, including issuance of 4 major study reports and 4 editions of newsletter

FY 2002 Results

This goal was met. The ongoing program of merit systems studies continued to be conducted, and 4 major study reports were released in FY 2002. These reports included a 20-year retrospective on the achievements and challenges of the Office of Personnel Management, an examination of the Federal merit promotion process, and a study of how Federal job seekers are assessed in a delegated examining environment. The Board also compiled recommendations from a number of earlier reports into a special report for the Volcker Commission. In addition to the major study reports, 4 editions of the *Issues of Merit* newsletter were published.

In the agency's Performance Plan for FY 2003-FY 2004, minor changes in wording have been made to clarify this goal. In addition, the goal for FY 2003 has been expanded to include several new components. The MSPB intends to develop a long-term research agenda that focuses on broad HRM issues, such as pay/compensation, labor relations, employee and organizational performance, and agency workforce planning/restructuring. The number of in-depth reports to be issued during FY 2003 has been increased from 4 to 6. The MSPB also plans to conduct less intensive studies on current topics of particular interest to the President and Congress. The MSPB plans to explore ways to improve the conduct of its studies, including gaining improved access to the Central Personnel Data File (CPDF) maintained by OPM and testing the use of electronic surveys. In addition, the MSPB will seek to formalize its collaborative relationships with other research organizations.

Performance Goals	Component	Experience
Goal 3.1.2 Ensure that reports of studies are made widely available, particularly to target audiences, and disseminate findings through such means as personal appearances, personal contacts, publication of articles by OPE staff, and collaborations with other research organizations to increase impact of studies. **FY 2002 Goal** – Combined total of 60,000 copies of studies-related products to be distributed in printed form and downloaded from the MSPB website and other websites; maintain level of presentations, published articles, and ongoing contacts; compile list of outreach activities conducted **FY 2003 Goal** – Target management groups and other audiences for outreach presentations on studies; ensure that appropriate association membership lists are included in mailing list for studies; expand exposure through FEBs in collaboration with MSPB regional and field offices; improve website presence of studies, expand website links to research partners, and provide self-service updates to mailing list	OPE	**FY 1999 Actual** – Approximately 15,800 copies of reports and newsletters distributed; estimated 30,000 downloads from the MSPB website and other websites; approximately 20 formal presentations made to groups; 4 articles by OPE staff published in professional journals; ongoing contacts with appropriate individuals and organizations maintained **FY 2000 Actual** – Approximately 12,000 copies of reports and newsletters distributed; estimated 35,000 downloads from the MSPB website and other websites; over 30 formal presentations made to groups; 3 articles by OPE staff published in professional journals; ongoing contacts similar to FY 1999 **FY 2001 Actual** – More than 55,000 copies of reports and newsletters distributed in printed form and downloaded from the MSPB website and other websites; over 30 formal presentations made to groups; more than 500 discussions with individuals **FY 2002 Actual** – See next page

Performance Goals	Component	Experience
Goal 3.1.2 (continued) Ensure that reports of studies are made widely available, particularly to target audiences, and disseminate findings through such means as personal appearances, personal contacts, publication of articles by OPE staff, and collaborations with other research organizations to increase impact of studies. **FY 2002 Goal** – Combined total of 60,000 copies of studies-related products to be distributed in printed form and downloaded from the MSPB website and other websites; maintain level of presentations, published articles, and ongoing contacts; compile list of outreach activities conducted **FY 2003 Goal** – Target management groups and other audiences for outreach presentations on studies; ensure that appropriate association membership lists are included in mailing list for studies; expand exposure through FEBs in collaboration with MSPB regional and field offices; improve website presence of studies, expand website links to research partners, and provide self-service updates to mailing list	OPE	**FY 2002 Actual** – Over 100,000 copies of reports and newsletters distributed in printed form and downloaded from the MSPB website and other websites; more than 500 subscribers to Studies listserv since its implementation early in FY 2002; 23 formal presentations made to groups, including meetings held with Federal Executive Boards (FEBs) in Chicago, Denver, and San Antonio; approximately 350 discussions with individuals

FY 2002 Results

This goal was met. The goal for distribution of studies-related products in FY 2002 was exceeded, with a combined total of more than 100,000 reports and newsletters distributed to individuals and organizations in printed form or downloaded from the MSPB website and other websites. Early in FY 2002, the MSPB implemented a Studies listserv on its website, which now has more than 500 subscribers. Members of the OPE staff made 23 formal presentations to a variety of audiences interested in Federal public administration issues and held meetings with the Federal Executive Boards in Chicago, Denver, and San Antonio. OPE staff members also engaged in approximately 350 discussions with individuals working in the area of public administration to provide either the results of OPE research efforts or to share OPE perspectives on issues related to Federal human resources management.

In the agency's Performance Plan for FY 2003-FY 2004, this goal has been revised to change the focus from number of reports distributed, number of reports downloaded from the website, and number of outreach presentations. Instead, the revised goal focuses on specific efforts to target outreach activities on studies to key audiences, such as the Senior Executives Association, the Federal Managers Association, Federal Executive Boards, and others. The revised goal also supports expanded efforts to use the MSPB website to increase the exposure of the Board's studies, as well as to make other website enhancements such as expanded links to research partners and self-service updates to the studies mailing list.

Performance Goals	Component	Experience
Goal 3.1.3 Evaluate impact of studies through feedback from customer surveys, including formal surveys every 2 to 3 years, informal surveys (e.g., focus groups), and volunteered feedback (e.g., letters and e-mailed comments) **FY 2002 Goal** – Conduct formal survey that repeats key questions of earlier customer surveys **FY 2003 Goal** – See Goal 3.1.4	OPE	**FY 1999 Actual** – Results of formal customer survey published; results showed 85 % or better agreement on key questions of relevance, usefulness, and practicality of findings and recommendations in studies **FY 2000 Actual** – Informal survey results and volunteered feedback remained positive **FY 2001 Actual** – Submitted request for blanket authority to conduct customer surveys to OMB and received approval; submitted survey instrument to OMB for review **FY 2002 Actual** – Conducted customer survey, compiled returns, and completed report; customer satisfaction survey results indicate substantial positive impact

FY 2002 Results

This goal was met. A survey of customers of the Board's studies was conducted early in FY 2002. Evaluation of the survey results was originally the goal for FY 2003. However, the results were evaluated, and a report was completed before the end of the fiscal year. Therefore, there is no longer a FY 2003 goal with respect to the customer survey. Goal 3.1.3 has been combined with Goal 3.1.4 in the agency's Performance Plan for FY 2003-FY 2004.

Performance Goals	Component	Experience
Goal 3.1.4 Evaluate impact of studies through other appropriate means, such as tracking use of recommendations and tracking references to studies in policy papers, professional literature, and the media **FY 2002 Goal** – Recommendations in studies are used and opinion makers cite them in policy papers, professional literature, and the media **FY 2003 Goal** – Recommendations in studies are used and opinion makers cite them in studies, policy papers, professional literature, and the media	OPE	**FY 1999 Actual** – MSPB studies continued to have large and positive impact, as measured by references in professional literature, media, and respected research organizations **FY 2000 Actual** – Same as in FY 1999 **FY 2001 Actual** – List of citations and references to MSPB studies and recommendations by Congress, GAO, NAPA, the professional literature, the media, and other credible sources was developed, indicating that MSPB studies continued to have large and positive impact **FY 2002 Actual** – Collection of citations indicate substantial positive impact; sent selected recommendations from earlier studies to Volcker Commission on civil service reform

FY 2002 Results

This goal was met. The OPE staff tracks citations and references to MSPB studies and recommendations by Congress, GAO, NAPA, the professional literature, the media, and other credible sources. The results confirm that MSPB studies continue to have a large and positive impact in the Federal human resources management arena. In the agency's Performance Plan for FY 2003-FY 2004, this goal has been combined with Goal 3.1.3 so that there is a single goal for evaluating the impact of the Board's studies through both formal and informal means.

Objective 2 – Determine through merit systems studies the extent to which Executive Branch departments and agencies operate in a manner consistent with the statutory merit system principles and the extent to which prohibited personnel practices occur in the Federal workplace		
Performance Goals	**Component**	**Experience**
Goal 3.2.1 Conduct a triennial Merit Principles Survey, including questions intended to determine whether agencies adhere to the merit system principles and the extent to which prohibited personnel practices occur in the workplace, and report findings **FY 2002 Goal** – Issue report on 2000 Merit Principles Survey **FY 2003 Goal** – Conduct 2003 Merit Principles Survey and analyze and evaluate results	Board, OPE	**FY 1999 Actual** – Not applicable **FY 2000 Actual** – Merit Principles Survey conducted; analyzing and evaluating results begun **FY 2001 Actual** – Completed analyzing and evaluating results of the 2000 Merit Principles Survey; released findings through the *Issues of Merit* newsletter and OPE staff presentations and discussions **FY 2002 Actual** – Prepared report on 2000 Merit Principles Survey

FY 2002 Results

This goal was not met. The Board released results from its 2000 Merit Principles Survey primarily through several editions of its newsletter, *Issues of Merit*, during FY 2001. In FY 2002, the OPE staff prepared a report on the survey results for approval by the Board, but a decision was made to defer release of the report until Spring 2003. The Board's next triennial Merit Principles Survey will be conducted during FY 2003, and a report on the survey is scheduled for issuance in FY 2004.

BUDGET ACTIVITY - MANAGEMENT SUPPORT: $3.4 MILLION

Strategic Plan Goal 4 **To strengthen the MSPB's internal systems and processes to support a continually improving, highly effective and efficient organization with the flexibility to meet program needs**		
Objective 1 – Develop and implement a MSPB strategic plan, with appropriate annual performance goals, objectives and measures, to direct individual and organizational efforts		
Performance Goals	**Component**	**Experience**
Goal 4.1.1 Develop and submit strategic plan and performance plans that meet the requirements of GPRA and are satisfactory to OMB and the Congressional committees with jurisdiction over the MSPB; assess performance in relation to performance goals **FY 2002 Goal** – Submit Performance Plan for FY 2002 (revised) and FY 2003 that meets the requirements of GPRA and satisfies OMB and Congressional committees with jurisdiction over the MSPB; assess performance (FY 2001 Performance Report) **FY 2003 Goal** – Not applicable	Chairman, Chief of Staff, FAM – based on plans developed by All Offices	**FY 1999 Actual** – Submitted FY 2000 Performance Plan (as part of FY 2000 Budget Justification); discussed with OMB **FY 2000 Actual** – Submitted revised FY 2000 Performance Plan and FY 2001 Performance Plan; submitted FY 1999 Performance Report; began major revision of Strategic Plan **FY 2001 Actual** – Completed and submitted revised Strategic Plan, FY 2001-2006; submitted Performance Plan for FY 2001-2002; submitted FY 2000 Performance Report **FY 2002 Actual** – Submitted Performance Plan for FY 2002-FY 2003; submitted FY 2001 Performance Report

FY 2002 Results

This goal was met. The agency's Performance Plan for FY 2002-FY 2003 was submitted to OMB and Congress when the President's FY 2003 budget was transmitted to Congress. The FY 2001 Performance Report was submitted on schedule in March 2002. No concerns were raised by either OMB or Congress.

This goal has been discontinued in the agency's Performance Plan for FY 2003-FY 2004. Complying with GPRA is now an established part of normal agency operations, and a specific performance goal is no longer necessary.

Objective 2 – Allocate resources in support of mission requirements with flexibility to meet changes in workload and agency priorities		
Performance Goals	**Component**	**Experience**
Goal 4.2.1 Coordinate requirements of all offices, determine priorities, and allocate appropriated funds so that mission requirements are met; make interim changes as necessary to respond to changes in workload and other external factors **FY 2002 Goal** – Determine priorities and allocate resources to meet mission requirements and goals of Performance Plan; meet with senior staff regularly to review progress; require senior staff to submit business plans for FY 2003 **FY 2003** – Not applicable	Chairman, Chief of Staff, FAM	**FY 1999 Actual** – Resources allocated and mission requirements met **FY 2000 Actual** – Resources allocated and mission requirements met; senior staff required to submit business plans for FY 2001 **FY 2001 Actual** – Resources allocated and mission requirements met; mid-year reviews held; senior staff submitted business plans for FY 2002, and some were subsequently revised **FY 2002 Actual** – Resources allocated and mission requirements met; senior staff submitted updated business plans

FY 2002 Results

This goal was met. During FY 2002, funds were carefully allocated to provide for the continued efficient performance of the Board's statutory missions.

This goal has been discontinued in the agency's Performance Plan for FY 2003-FY 2004. Allocating resources effectively is incorporated into normal agency operations. Experience with this goal in the past two years has shown that it does not develop particularly useful performance information.

Objective 3 – Develop and implement an integrated and updated automated agency-wide case management system to assist in effective case processing, management, and program evaluation		
Performance Goals	**Component**	**Experience**
Goal 4.3.1 Implement new case management system (Law Manager) as part of information technology initiative **FY 2002 Goal** – Implement Law Manager; make adjustments as necessary, based on user experiences **FY 2003 Goal** – See Goal 4.4.1	Chairman, Chief of Staff, OCB, IRM, FAM	**FY 1999 Actual** – General requirements for new case management system developed; vendors evaluated and Law Manager selected as new case management system **FY 2000 Actual** – Detailed requirements finalized and work with vendor begun; first prototype delivered **FY 2001 Actual** – Prototype tested and adjusted **FY 2002 Actual** – Continued work with contractor on development of case management system, including testing of partial implementations and data conversions

FY 2002 Results

This goal was not met. The Law Manager contractor continued to deliver partial implementations and database conversions during FY 2002, and IRM continued to test these deliverables as received. However, the contractor did not complete all necessary work by the end of the fiscal year. Because this contract was awarded through FEDSIM, both IRM and FEDSIM staff met with the contractor to establish a firm timetable for the contractor to complete the project. The remaining work is to be performed under a new firm fixed-price contract. After delivery of the complete system, extensive testing by IRM will be required. Implementation is now to take place in FY 2003. In the agency's Performance Plan for FY 2003-FY 2004, Goal 4.3.1 has been combined with Goal 4.4.1 (and renumbered as Goal 4.1.1). Combining these goals results in a single goal covering all components of the agency's planned electronic case processing system.

Objective 4 – Develop and implement electronic case filing to allow appellants and agencies to file and receive documents electronically		
Performance Goals	**Component**	**Experience**
Goal 4.4.1 Continue implementation of electronic case filing, as part of information technology initiative, so that parties will be able to file and receive case documents electronically by October 2003, as required by the Government Paperwork Elimination Act (GPEA) **FY 2002 Goal** – Make adjustments in document management system as necessary, based on user experiences; implement pilot electronic filing system **FY 2003 Goal** – Implement the following components of the electronic case processing system: (1) Law Manager - new case management system that integrates case tracking with document management, document assembly, and electronic calendar; and (2) e-Appeal – web-based application that appellants may use to file an appeal	Chairman, Chief of Staff, OCB, IRM, FAM	**FY 1999 Actual** – Detailed requirements developed; vendors evaluated and DocsOpen selected as document management system **FY 2000 Actual** – Document management and document assembly systems implemented **FY 2001 Actual** – Adjustments made in document management and document assembly systems to provide interface with Law Manager and Lotus Notes; fill-in versions of Appeal Form and PFR Form developed and placed on website; work on revising Appeal Form to provide basis for on-line electronic appeals process begun; Action Plan for implementation of on-line electronic appeals process developed and distributed internally; meeting with potential contractors to develop on-line electronic appeals process begun **FY 2002 Actual** – See next page

Performance Goals	Component	Experience
Goal 4.4.1 (continued) Continue implementation of electronic case filing, as part of information technology initiative, so that parties will be able to file and receive case documents electronically by October 2003, as required by the Government Paperwork Elimination Act (GPEA) **FY 2002 Goal** – Make adjustments in document management system as necessary, based on user experiences; implement pilot electronic filing system **FY 2003 Goal** – Implement the following components of the electronic case processing system: (1) Law Manager - new case management system that integrates case tracking with document management, document assembly, and electronic calendar; and (2) e-Appeal – web-based application that appellants may use to file an appeal	Chairman, Chief of Staff, OCB, IRM, FAM	**FY 2002 Actual** – Completed revisions to Appeal Form, distributed internally for comment, evaluated comments, revised form to create Appeal Forms Package that will serve as basis for electronic filing application, and published for public comments in accordance with the PRA; wrote Statement of Work (SOW) and Functional Requirements Document (FRD) for development of electronic filing application

FY 2002 Results

This goal was not met. Nevertheless, substantial work in preparation for implementation of an electronic filing system was completed during FY 2002. The necessary revisions to the MSPB Appeal Form, which will serve as the basis for the electronic filing application, were made. In addition, the Functional Requirements Document for the application and the Statement of Work to solicit bids for the contract were completed. Since the end of FY 2002, contractor bids have been received and evaluated, and the contract has been awarded. The MSPB remains on track to make electronic filing available to the Board's customers by the October 2003 deadline established by GPEA.

In the agency's Performance Plan for FY 2003-FY 2004, Goal 4.4.1 has been combined with Goal 4.3.1 (and renumbered as Goal 4.1.1). Combining these goals results in a single goal covering all components of the agency's planned electronic case processing system.

Objective 5 – Improve electronic access via the Internet and other available resources to MSPB case-related decisions, procedures and guidance		
Performance Goals	**Component**	**Experience**
Goal 4.5.1 Make final Board decisions, reports and other publications, the MSPB Appeal Form and other forms, Board regulations, the OPE newsletter, and other information available on the MSPB website; provide information to customers in electronic form when requested **FY 2002 Goal** – Continue to provide all information as before on the MSPB website and add new information in response to customer needs; continue to provide information to customers in electronic form when requested **FY 2003 Goal** – Complete adding *all* pre-1994 Board decisions to decisions database on website; redesign website to improve access to information; continue to provide information to customers in electronic form when requested	Chairman, Chief of Staff, OCB, IRM	**FY 1999 Actual** – The MSPB website (launched in 1994) continued to provide access to final Board decisions, reports and other publications, the MSPB Appeal Form and other forms, Board regulations, the OPE newsletter, and other information; information provided to customers in electronic form when requested **FY 2000 Actual** – Redesigned MSPB website launched; continued to provide all information as before, but new search tool for Board decisions included, and link to GPO Access files of Board regulations replaced by MSPB files that are continuously updated as regulations are revised; information provided to customers in electronic form when requested **FY 2001 Actual** – See next page **FY 2002 Actual** – See next page

Performance Goals	Component	Experience
Goal 4.5.1 (continued) Make final Board decisions, reports and other publications, the MSPB Appeal Form and other forms, Board regulations, the OPE newsletter, and other information available on the MSPB website; provide information to customers in electronic form when requested **FY 2002 Goal** – Continue to provide all information as before on the MSPB website and add new information in response to customer needs; continue to provide information to customers in electronic form when requested **FY 2003 Goal** – Complete adding *all* pre-1994 Board decisions to decisions database on website; redesign website to improve access to information; continue to provide information to customers in electronic form when requested	Chairman, Chief of Staff, OCB, IRM	**FY 2001 Actual** – Began adding final precedential Board decisions issued from inception of MSPB (1979) to 1994 to the decisions database on the MSPB website; testing of listservs for decisions and studies completed and implementation begun; fill-in versions of Appeal Form and PFR Form developed and placed on website; conversion to electronic distribution of decisions to publishers completed; information provided to customers in electronic form when requested **FY 2002 Actual** – Completed adding key precedential Board decisions issued from inception of MSPB (1979) to 1994 to the decisions database on the MSPB website; began adding *all* pre-1994 decisions to website database; listservs for decisions and studies implemented; information provided to customers in electronic form when requested

FY 2002 Results

This goal was met. During FY 2002, the MSPB implemented two listservs on its website, one for Board decisions and one for merit systems studies. The MSPB also completed adding key precedential Board decisions issued from the inception of the Board in 1979 to 1994 (when the website was launched) to the decisions database on the MSPB website, and began adding *all* pre-1994 decisions to the database. By the end of FY 2002, all publishers of Board decisions were receiving the decisions in electronic form, and distribution of paper copies to them had been discontinued. The MSPB continued to provide information to customers in electronic form when requested.

In the agency's Performance Plan for FY 2003-FY 2004, the goal for FY 2003 has been revised (and renumbered as Goal 4.2.1) to include specific projects related to the MSPB website that are scheduled for completion in that year.

Objective 6 – Identify, test, and implement, as appropriate, new technologies that will increase efficiency, reduce costs, and improve customer service		
Performance Goals	**Component**	**Experience**
Goal 4.6.1 Stay abreast of changes in technology and continue to assess all agency operations to determine where new or improved technologies have the potential to increase efficiency, reduce costs, and improve customer service; analyze costs and benefits; implement where practicable **FY 2002 Goal** – Convert Oracle databases and Lotus Notes to UNIX servers from Windows NT; provide additional capabilities to end-users through release 5 of Lotus Notes; continue to evaluate network performance and make recommendations for improvements as needed **FY 2003** – Not applicable	Chairman, Chief of Staff (CIO), IRM, FAM	**FY 1999 Actual** – Provided scanners to all MSPB locations; began evaluation of laptop/docking station technology **FY 2000 Actual** – Provided new PCs to all employees, including laptop/docking station PCs to flexiplace employees; implemented new versions of Netware, MS Windows, MS Word (WORD '97), and Zen Works (remote software distribution) **FY 2001 Actual** – Lotus Notes 5 evaluated and implementation approved—implementation scheduled for Spring 2002; network study completed and enhancements begun—headquarters upgrades completed **FY 2002 Actual** – New Law Manager case management system, under development, made operational on UNIX server; all but one office upgraded to Lotus Notes 5; network improvements made

FY 2002 Results

This goal was met. The new Law Manager case management system, which is still under development, is operational on a UNIX server. During the fiscal year, all MSPB offices were upgraded to Lotus Notes 5, except the New York Field Office (NYFO). The upgrade at NYFO was postponed because of renovations to the office. Network improvements made during FY 2002 included: (1) implementation of a Virtual Private Network to access the National Finance Center; (2) an increase in Internet connection speed; and (3) server upgrades for both Lotus Notes and the Document Management System.

This goal has been discontinued in the agency's Performance Plan for FY 2003-FY 2004. Keeping abreast of improvements in information technology, evaluating them for application to MSPB operations, and implementation as needed are part of the continuing responsibilities of IRM and need not be included as a Performance Plan goal.

Performance Goals	Component	Experience
Goal 4.6.2 Continue to make improvements in information technology security program **FY 2002 Goal** – Develop security plan for major systems; update risk analysis and develop service continuity plan for major systems; provide security awareness training to all employees; provide additional computer security training to 2 IRM employees **FY 2003 Goal** – Provide security awareness training to all staff; revise security plans for implementation of new case management system and electronic filing application; continue to enhance security and contingency planning	Chairman, Chief of Staff (CIO), IRM	**FY 1999 Actual** – Not applicable **FY 2000 Actual** – Not applicable **FY 2001 Actual** – Not applicable **FY 2002 Actual** – Conducted security awareness training for all employees; sent one IRM employee to security training; completed Security Plan; updated Risk Analysis; completed Contingency Plan for major systems

FY 2002 Results

This goal was met. This was a new goal for FY 2002 and was incorporated into the Performance Plan in accordance with OMB instructions implementing the Government Information Security Reform Act (GISRA). IRM completed all scheduled tasks, including developing a Security Plan, updating the Risk Analysis for all major systems, and developing a Contingency Plan. Security awareness training was provided to all employees. Additional computer security training was provided to one IRM employee during the fiscal year, and a second IRM employee received such training in October 2002.

In the agency's Performance Plan for FY 2003-FY 2004, this goal has been revised (and renumbered as Goal 4.3.1). The revision reflects current agency initiatives to enhance computer security in compliance with the Federal Information Security Management Act of 2002, which replaced GISRA in December 2002.

Strategic Plan Goal 5
To develop the MSPB's human resources to ensure a continually improving, highly effective and efficient organization with the flexibility to meet program needs

Objective 1 – Recruit, train, and retain skilled, highly motivated employees to effectively and efficiently accomplish the MSPB mission

Objective 2 – Ensure that all employees and components of the MSPB work well together and integrate their efforts to accomplish the MSPB mission

Objective 3 – Promote efficient and effective accomplishment of the MSPB mission by providing a work environment with workplace policies and programs that enable MSPB employees to excel

Performance Goals	Component	Experience
Goal 5.1 Strengthen the employee development and management development program by increasing the opportunity for details between offices and identifying candidates for professional development programs **FY 2002 Goal** – Send 6 employees to OPM's Management Development Centers; send 1 employee to FEI; continue detail for Expedited PFR Pilot Program; provide other details as practicable **FY 2003 Goal** – Develop core and advanced training and development programs for key MSPB occupations; provide training for employees in accordance with Individual Development Plans (IDPs); provide developmental details between offices; provide management training	Chief of Staff, FAM, All Offices	**FY 1999 Actual** – 5 employees sent to OPM's Management Development Centers; OAC attorneys detailed on rotating basis to Vice Chairman, which gave each employee a broader understanding of the various MSPB organizations and how they interact **FY 2000 Actual** – 6 employees sent to OPM's Management Development Centers; OAC attorneys detailed to Vice Chairman/Acting Chairman on rotating basis, which gave each employee a broader understanding of the various MSPB organizations and how they interact; OAC attorneys detailed on rotating basis to OCB for Expedited PFR Pilot Program **FY 2001 Actual** – See next page **FY 2002 Actual** – See next page

Performance Goals	Component	Experience
Goal 5.1 (continued) Strengthen the employee development and management development program by increasing the opportunity for details between offices and identifying candidates for professional development programs **FY 2002 Goal** – Send 6 employees to OPM's Management Development Centers; send 1 employee to FEI; continue detail for Expedited PFR Pilot Program; provide other details as practicable **FY 2003 Goal** – Develop core and advanced training and development programs for key MSPB occupations; provide training for employees in accordance with Individual Development Plans (IDPs); provide developmental details between offices; provide management training	Chief of Staff, FAM, All Offices	**FY 2001 Actual** - 6 employees sent to OPM's Management Development Centers and 4 employees sent to Federal Executive Institute (FEI); 1 OAC attorney detailed to Dallas field office for 2 months; 1 regional office attorney detailed to ORO for 6 months; OAC and OGC attorneys detailed to Chairman and Vice Chairman; OAC attorneys detailed on rotating basis to OCB for Expedited PFR Pilot Program; funded training for legal assistants to obtain paralegal certificates **FY 2002 Actual** – 5 employees sent to OPM's Management Development Centers and 2 employees sent to Federal Executive Institute (FEI); details to Board members and ORO continued; OAC attorney detailed to OCB for Expedited PFR Pilot Program until 3/1/02 when responsibility for program was reassigned to OAC; funded training for support staff to obtain paralegal certificates

FY 2002 Results

This goal was met. To continue and expand development opportunities for its staff, the MSPB sent 5 employees to OPM's Management Development Centers and 2 employees to the Federal Executive Institute (FEI) in FY 2002. A sixth employee who had been scheduled to go to MDC in September 2002 went in October instead. Details to the offices of the Board members continued, as did the detail of an OAC attorney to ORO. OAC attorneys continued to be detailed on a rotating basis to OCB for the Expedited PFR Pilot Program until March 1, 2002, when responsibility for the program was transferred to OAC. In addition, two employees were detailed to serve as Acting Director of the Western Regional Office during the Director's military leave.

In the agency's Performance Plan for FY 2003-FY 2004, this goal has been revised and combined with Goal 5.2 (and renumbered as Goal 5.1.1) to create a single goal for the agency's training, employee development, and management development programs. The revised goal focuses on the agency's current plans for training and development programs rather than on numbers of employees sent to various training programs and detailed to other offices.

Performance Goals	Component	Experience
Goal 5.2 Allocate sufficient resources to employee training so that all employees can receive the training identified in their Individual Development Plans (IDPs) **FY 2002 Goal** – Allocate $ 270,000 for training in accordance with IDPs and ensure that training funds are used effectively; establish Training Committee **FY 2003 Goal** – See Goal 5.1	Chief of Staff, All Offices	**FY 1999 Actual** – $ 166,000 spent on training **FY 2000 Actual** – $ 178,500 spent on training **FY 2001 Actual** - $ 345,000 spent on training (excluding the $130,000 spent on legal conference); IDPs developed for all employees and training in accordance with IDPs begun **FY 2002 Actual** - $ 315,000 spent on training; Employee and Management Development Committee established in lieu of Training Committee

FY 2002 Results

This goal was met. During FY 2002, the MSPB spent approximately $315,000 on employee training, which exceeded the goal for the year. Rather than establish a Training Committee, the Board established a new committee with a broader mandate, the Employee and Management Development Committee.

In the agency's Performance Plan for FY 2003-FY 2004, this goal has been combined with Goal 5.1 (and renumbered as Goal 5.1.1) to create a single goal for the agency's training, employee development, and management development programs. The revised goal focuses on the agency's current plans for training and development programs rather than on dollars spent on training.

Performance Goals	Component	Experience
Goal 5.3 Conduct a biennial legal conference for MSPB administrative judges and headquarters attorneys **FY 2002 Goal** – Make plans for 2003 legal conference **FY 2003 Goal** – Conduct legal conference	OCB, with participation of other legal offices	**FY 1999 Actual** – None (legal conference held in September 1998) **FY 2000 Actual** – Made plans for 2001 legal conference **FY 2001 Actual** – Legal conference held May 21-24, 2001 **FY 2002 Actual** – Began planning 2003 legal conference

FY 2000 Results

This goal was met. Planning for the 2003 MSPB Legal Conference began in June 2002, with selection of a site as the first order of business. Since the end of FY 2002, a site has been selected, an Agenda Committee has been formed, and work on development of the agenda and invitations to guest speakers is proceeding. The conference, which will be attended by attorneys, senior managers, paralegals, and auxiliary staff from the Board's headquarters and regional and field offices, is scheduled for May 2003.

In the agency's Performance Plan for FY 2003-FY 2004, this goal has been renumbered as Goal 5.1.3.

Performance Goals	Component	Experience
Goal 5.4 Continue to provide a family-friendly workplace, including AWS schedules and flexiplace arrangements **FY 2002 Goal** – Continue to make AWS schedules and flexiplace arrangements available, where consistent with accomplishment of mission **FY 2003 Goal** – Not applicable	All Offices	**FY 1999 Actual** – AWS schedules and flexiplace arrangements available, where consistent with accomplishment of mission; almost all employees on AWS schedule; 46 out of 237 employees on flexiplace **FY 2000 Actual** – AWS schedules and flexiplace arrangements available, where consistent with accomplishment of mission; almost all employees on AWS schedule; 46 out of 226 employees on flexiplace **FY 2001 Actual** – AWS schedules and flexiplace arrangements available, where consistent with accomplishment of mission; almost all employees on AWS schedule; 52 out of 222 employees on flexiplace **FY 2002 Actual** – AWS schedules and flexiplace arrangements available, where consistent with accomplishment of mission; almost all employees on AWS schedule; 49 out of 226 employees on flexiplace

FY 2002 Results

This goal was met. During FY 2002, the MSPB maintained opportunities for its employees to work alternative work schedules and participate in the agency's flexiplace program. This goal has been discontinued in the agency's Performance Plan for FY 2003-FY 2004 because experience has shown that it does not develop particularly useful performance information.

Performance Goals	Component	Experience
Goal 5.5 Address succession planning (within the context of merit-based selections for positions) in office business plans **FY 2002 Goal** – Succession planning addressed in all office business plans **FY 2003 Goal** – Not applicable	All Offices	**FY 1999 Actual** – Not applicable (no office business plans required) **FY 2000 Actual** – Two managers addressed succession planning in their office business plans **FY 2001 Actual** – All managers addressed succession planning in their office business plans **FY 2002 Actual** – All managers addressed succession planning in their office business plans

FY 2002 Results

This goal was met. Like many Federal agencies, the MSPB expects to lose many of its senior managers and other employees during the next 5 years. Therefore, the agency began a program of succession planning in FY 2001, and all managers have addressed the issue of succession planning in their annual business plans.

This goal has been discontinued in the agency's Performance Plan for FY 2003-FY 2004 because succession planning is now incorporated in the revised (and renumbered) Goal 5.1.1.