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MSPB Releases its APR–APP for FY 2018–2020

The U.S. Merit Systems Protection Board (MSPB) releases its Annual Performance Report (APR) for FY 2018 and its Annual Performance Plan (APP) for FY 2019 (Final)–2020 (Proposed), combined into the APR–APP for FY 2018–2020. The APR–APP also contains information about FY 2018 whistleblower appeals as required by the Whistleblower Protection Enhancement Act of 2012 (WPEA).

MSPB’s FY 2018 performance results were achieved under the leadership of Acting Chairman Mark A. Robbins, who departed the agency at the end of February 2019, the end of his statutory one-year holdover period. This APR-APP is being released under Tristan L. Leavitt, MSPB General Counsel, who under MSPB’s Continuity of Operations Plan (COOP) became MSPB’s chief executive and administrative officer on March 1, 2019.

The most significant issue facing MSPB is the lack of a quorum that began on January 8, 2017, and now the lack of Presidentially-appointed Senate-confirmed Board members. The lack of a quorum prevents MSPB from issuing decisions on petitions for review (PFRs) and other cases at headquarters, and from issuing reports of merit systems studies. It also prevents MSPB from promulgating regulations in response to congressional changes in its jurisdiction or processes.

Nonetheless, MSPB continues to function in every way possible in the absence of a quorum. MSPB’s administrative judges in its regional and field offices continue to adjudicate initial appeals, conduct hearings, and issue decisions in those cases. MSPB continues to receive PFRs and draft recommended PFR decisions, which then await the new Board members’ arrival. MSPB continues to conduct surveys, perform research and draft new reports of merit systems studies for Board member review and approval once a quorum is restored. MSPB’s executive, financial, and administrative operations also continue to function. As a result, MSPB continues to perform its critical mission during this time of significant transition.

In FY 2018, the lack of a quorum also prevented MSPB from rating its performance goals for processing PFRs, quality of initial appeals (which is based on issuance of PFR decisions), enforcement case processing (including its strategic objective), reviewing the regulations of the Office of Personnel Management, and publishing reports of merit systems studies. The strategic objectives for these performance goals were either not rated, or partially met. Because MSPB began FY 2019 without a quorum, FY 2019 targets were not set for these performance goals.

Despite the lack of a quorum during all of FY 2018, of the agency's strategic/management objectives, MSPB exceeded one, met or partially met nine, and did not rate one. MSPB exceeded its targets for timeliness of initial appeals processing, publication of merit systems studies newsletters and other articles, and products made available for policy-makers and for educational purposes. MSPB also exceeded its targets for number of website visits, for availability and reliability of MSPB information technology systems, and for internal information technology services. MSPB met all other performance goals, including those associated with its four management objectives.

MSPB's Strategic Plan for FY 2018–2022 provides the foundation for the APR-APP for FY 2018–2020.

The MSPB APR–APP for FY 2018-2020 and the MSPB Strategic Plan for FY 2018–2022 are available at <https://www.mspb.gov>.

The MSPB is an independent, quasi-judicial agency whose mission is to protect the Merit System Principles and promote an effective Federal workforce free of Prohibited Personnel Practices.