

Merit Systems Protection Board

Strategic Plan

FY 2001 – FY 2006



**Revised to Include Interim Adjustment
Submitted with FY 2003-FY 2004 Performance Plan**

December 2002

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**MERIT SYSTEMS PROTECTION BOARD
STRATEGIC PLAN
FY 2001 -2006**

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.

To accomplish its mission, the MSPB has established the following goals:

1. To consistently provide fair, timely, and efficient adjudication of cases filed with the Board
2. To make effective use of alternative methods of dispute resolution in Board proceedings
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
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
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

ADJUDICATION

Goal #1

To consistently provide fair, timely, and efficient adjudication of cases filed with the Board

OBJECTIVES

1. Issue high quality decisions
2. Issue timely decisions at both the regional office and Board headquarters levels
3. Hold increase in average case processing costs to no more than the percentage increase in operating costs, adjusted for the change in the number of decisions issued
4. Obtain customer input regarding the adjudicatory process

ASSUMPTIONS/FACTORS AFFECTING OUTCOME

- Adequate staffing and budget
- Relative stability in case intake
- Normal attrition rate

PERFORMANCE INDICATORS

- Consistency in application of established decision quality standards
- Percentage of petitions for review reversed and/or remanded by Board to MSPB judges for new decisions
- Percentage of proposed decisions returned by Board to headquarters legal offices for rewrite
- Percentage of final Board decisions upheld on review by the United States Court of Appeals for the Federal Circuit
- Average case processing times for initial decisions and petitions for review of initial decisions
- Number of cases pending more than 300 days at headquarters
- Average total case processing costs for initial decisions and petitions for review
- Feedback from customer surveys

RESPONSIBLE FUNCTIONS

- Decision Quality Standards Board, OGC, OAC, ORO/Regional Offices, ALJ
- Decisions Upheld by the Courts Board, OGC, OAC, ORO/Regional Offices, ALJ
- Case Processing Timeliness Board, OGC, OAC, ORO/Regional Offices, ALJ, Clerk, IRM
- Case Processing Costs FAM, ORO/Regional Offices, ALJ, IRM
- Customer Surveys and Outreach Board, ORO/Regional Offices, OPE

Goal #2

To make effective use of alternative methods of dispute resolution in Board proceedings

OBJECTIVES

1. Continue the successful use of alternative dispute resolution (ADR) procedures in MSPB proceedings at both the regional office and Board headquarters levels

ASSUMPTIONS/FACTORS AFFECTING OUTCOME

- Trained and skilled staff
- Sufficient internal training resources

PERFORMANCE INDICATORS

- Number and types of disputes adjudicated by the MSPB at both the initial appeal and petition for review levels, and number and types resolved without a full adjudication on the merits (i.e., settlement rates)

RESPONSIBLE FUNCTIONS

- Numbers and types of cases Board, OGC, OAC, ORO/Regional Offices, ALJ

MERIT SYSTEMS STUDIES

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

OBJECTIVES

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; raise the level of consciousness and initiate or participate in the debate about implementing and maintaining effective human resources management programs, policies, and practices that adhere to the merit system principles
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

ASSUMPTIONS/FACTORS AFFECTING OUTCOME

- Adequate staffing and budget
- Normal attrition rate

PERFORMANCE INDICATORS

- Number of MSPB reports and *Issues of Merit* newsletters issued
- Indications that the findings and recommendations from MSPB studies are being used, e.g., implementation of recommendations; requests for presentations and/or participation in professional meetings by MSPB staff; references to MSPB studies in policy papers, professional literature, and the media
- Feedback from customer surveys and key stakeholders

RESPONSIBLE FUNCTIONS

- Conduct of Studies Board, OPE
- Dissemination of findings and OPE
 recommendations from studies
- Customer Surveys OPE

- Outreach

Board, OPE

MANAGEMENT SUPPORT

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

OBJECTIVES

1. Develop and implement an integrated electronic case processing system that allows appellants and agencies to file and receive documents electronically and streamlines internal case processing
2. Improve electronic access via the Internet and other available resources to MSPB case-related decisions, procedures, and guidance
3. Identify, test, and implement, as appropriate, new technologies that will increase efficiency, reduce costs, and improve customer services

ASSUMPTIONS/FACTORS AFFECTING OUTCOME

- Adequate staffing levels and budget
- Adequate technical, program, and financial resources

PERFORMANCE INDICATORS

- Improved organizational performance
- Implementation of components of the information technology initiative on schedule
- Systems availability and responsiveness to user needs
- Customer (internal and external) feedback

RESPONSIBLE FUNCTIONS

- Organizational performance All offices under direction of the Chairman and Chief of Staff
- Information technology initiative Chief of Staff (as CIO), Clerk, IRM
- Systems availability and responsiveness to user needs Chief of Staff (as CIO), IRM
- Customer feedback IRM, FAM, Clerk, OPE

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

OBJECTIVES

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

ASSUMPTIONS/FACTORS AFFECTING OUTCOME

- Adequate staffing levels and budget

PERFORMANCE INDICATORS

- Improved individual and organizational performance
- Improved workforce relationships and internal communications

RESPONSIBLE FUNCTIONS

- Organizational performance All offices
- Workforce relationships and internal communications EEO, FAM, and APHIS, working with all offices



U.S. Merit Systems Protection Board

Office of the Clerk of the Board
1615 M Street, NW.
Washington, DC 20419

Phone: 202 653 7200, Fax: 202 653-7130, E-Mail: MSPB@MSPB.gov

Clerk of the Board

February 27, 2002

Office of Information and Privacy
U.S. Department of Justice
Suite 570, Flag Bldg.
Washington, D.C. 20530-0001

Dear Sirs:

Enclosed is the Freedom of Information Act Annual Report of the U.S. Merit Systems Protection Board for fiscal year 2002.

If you have any questions about this report contact Arlin Winefordner of my staff at 202-653-7200, ext. 1162.

Sincerely,


Bentley M. Roberts, Jr.
Clerk of the Board

1 Enclosure

U.S. MERIT SYSTEMS PROTECTION BOARD
1615 M Street, NW.
Washington, DC 20419



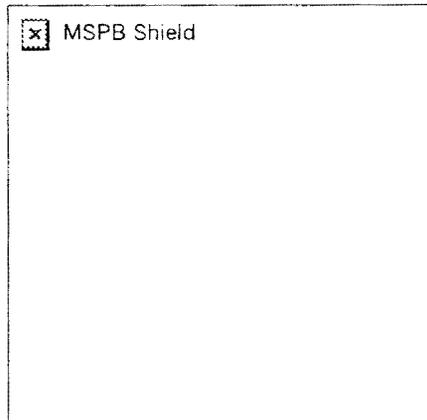
FREEDOM OF INFORMATION ACT
ANNUAL REPORT

FISCAL YEAR 2002

U.S. MERIT SYSTEMS PROTECTION BOARD

1615 M Street, NW.

Washington, DC 20419



FREEDOM OF INFORMATION ACT

ANNUAL REPORT

FISCAL YEAR 2002

I. BASIC INFORMATION REGARDING THIS REPORT.

Questions regarding this report may be directed to:

Arlin Winefordner
Program Management Specialist
Office of the Clerk of the Board
1615 M Street, N.W.
Washington, D.C. 20419

Electronic copies of the report are on the MSPB Web Site: <http://www.mspb.gov>.
Paper copies of the report may be obtained by writing to the above address.

II. HOW TO MAKE A FOIA REQUEST TO THE MSPB.

The Board has prepared a [FOIA Guide](http://www.mspb.gov), which is on its Web Site (<http://www.mspb.gov>). Paper copies are also available in the Board's Headquarters Library, by calling 202-653-7200, or by e-mail: mspb@mspb.gov.

A. Names, addresses and telephone numbers of Board offices where FOIA requests can be filed:

Merit Systems Protection Board Atlanta Regional Office 401 W. Peachtree Street, N.W. Suite 1050 Atlanta, Georgia 30308-3519 404-730-2751	Merit Systems Protection Board New York Field Office 26 Federal Plaza, Room 3137-A New York, New York 10278-0022 212-264-9372
Merit Systems Protection Board Central Regional Office 230 South Dearborn Street 31st Floor Chicago, Illinois 60604-1669 312-353-2923	Merit Systems Protection Board Boston Field Office 99 Summer Street Suite 1810 Boston, Massachusetts 02110-1200 617-424-5702
Merit Systems Protection Board Dallas Field Office 1100 Commerce Street Room 6F20 Dallas, Texas 75242-9979 214-767-0555	Merit Systems Protection Board Western Regional Office 250 Montgomery Street Suite 400 San Francisco, California 94104-3401 415-705-2935
Merit Systems Protection Board Denver Field Office 165 South Union Boulevard Suite 318 Lakewood, Colorado 80228 303-969-5101	Merit Systems Protection Board Seattle Field Office 915 Second Avenue Suite 1840 Seattle, Washington 98174-1056 206-220-7975
Merit Systems Protection Board Northeastern Regional Office U.S. Customhouse, Room 501 Second and Chestnut Streets Philadelphia, Pennsylvania 19106-2987 215-597-9960	Merit Systems Protection Board Washington Regional Office 1800 Diagonal Road Suite 205 Alexandria, Virginia 22314 703-756-6250

B. MSPB Response Time Ranges for FOIA Requests.

In FY 2002 the Board's goal was to respond within twenty workdays of receipt of the request. This goal was met or exceeded in 85% of the processed requests.

C. Why Some FOIA Requests to MSPB Are Not Granted.

Many of the FOIA requests received are for MSPB case files or for documents from case files, which are covered by the Privacy Act. Personal information in these files is redacted to prevent an undue invasion of the personal privacy of appellants, witnesses and third parties.

III. DEFINITIONS OF TERMS AND ACRONYMS.

A. Agency-specific acronyms or other terms.

PFA--Petition for Appeal
PFR--Petition for Review

B. Basic terms, expressed in common terminology.

1. FOIA/PA request -- Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)

2. Initial Request -- a request to a federal agency for access to records under the Freedom of Information Act.

3. Appeal -- a request to a federal agency asking that it review at a higher administrative level a full or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.

4. Processed Request or Appeal--a request or appeal for which an agency has taken a final action on the request or appeal in all respects.

5. Multi-track processing--a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first out basis. A requester who has an urgent need for records may request expedited processing.

6. Expedited processing--an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other earlier requests that were made earlier.

7. Simple request--a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.

8. Complex request--a FOIA request that an agency using multi-track processing

places in a slower track based on the volume and/or complexity of records requested.

9. Grant--an agency decision to disclose all records in response to a FOIA request.

10. Partial grant -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA exemptions; or a decision to disclose some records, but to withhold others in whole or in part.

11. Denial -- an agency decision not to release any part of a record in response to a FOIA request because the information in the requested records is determined by the agency to be exempt under one or more FOIA exemptions, or for some procedural reason (such as the inability to locate a record in response to a FOIA request).

12. Time limits--the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).

13. "Perfected" request -- a FOIA request for records that adequately describes the records sought, which has been received by the FOIA officer of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

14. Exemption 3 statute--a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA section (b) (3).

15. Median number--the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

16. Average number--the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average is 8.

IV. EXEMPTION 3 STATUTES

- A. Exemption 3 statutes relied on by MSPB during the current fiscal year..... **0**
- B. Statement of whether a court has upheld the use of such statute..... **None**

V. INITIAL FOIA/PA ACCESS REQUESTS

- A. Numbers of initial requests.
 - 1. Number of requests pending as of end of preceding fiscal year..... **0**
 - 2. Number of requests received during current fiscal year..... **282**

- 3. Number of requests processed during current fiscal year..... **280**
- 4. Number of requests pending as of end of current fiscal year..... **2**

B. Disposition of initial requests.

- 1. Number of total grants..... **242**
- 2. Number of partial grants..... **11**
- 3. Number of denials..... **2**
 - a. number of times each FOIA exemption used counting each exemption once per request)
 - Exemption 1..... **0**
 - Exemption 2 **1**
 - Exemption 3..... **0**
 - Exemption 4..... **0**
 - Exemption 5..... **4**
 - Exemption 6 **11**
 - Exemption 7(A)..... **0**
 - Exemption 7(B)..... **0**
 - Exemption 7(C)..... **0**
 - Exemption 7(D)..... **0**
 - Exemption 7(E)..... **0**
 - Exemption 7(F)..... **0**
 - Exemption 8..... **0**
 - Exemption 9..... **0**
- 4. Other reasons for nondisclosure (total)..... **25**
 - a. no records **7**
 - b. referrals..... **2**

- c. request withdrawn.....9
- d. fee-related reason4
- e. records not reasonably described3
- f. not a proper FOIA request for some other reason.....0
- g. not an agency record.....0
- h. duplicate request.....0
- i. other (specify).....0

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Numbers of appeals.

- 1. Number of appeals received during fiscal year4
- 2. Number of appeals processed during fiscal year4

B. Disposition of appeals.

- 1. Number completely upheld.....3
- 2. Number partially reversed.....1
- 3. Number completely reversed.....0

a. number of times each FOIA exemption used (counting each exemption once per appeal)

- (1) Exemption 1.....0
- (2) Exemption 2.....0
- (3) Exemption 3.....0
- (4) Exemption 4.....0
- (5) Exemption 5.....1
- (6) Exemption 6.....1
- (7) Exemption 7(A).....0
- (8) Exemption 7(B).....0

(9) Exemption 7(C).....	0
(10) Exemption(D).....	0
(11) Exemption 7(E).....	0
(12) Exemption 7(F).....	0
(13) Exemption 8.....	0
(14) Exemption 9.....	0

4. Other reasons for nondisclosure (total)

a. no records.....	1
b. referrals	0
c. request withdrawn	0
d. fee-related reason	0
e. records not reasonably described	0
f. not a proper FOIA request for some other reason.....	0
g. not an agency record	0
h. duplicate request	0
i. other (specify).....	1

Did not comply with agency time limit for filing.

VII. Compliance with Time Limits/Status of Pending Requests

A. Median processing time for requests processed during the year.

1. Simple requests (if multiple tracks used).	
a. number of requests processed	280
b. median number of days to process.....	18
2. Complex requests (specify for any and all tracks used).	
a. number of requests processed.....	0

b. median number of days to process.....0

3. Requests accorded expedited processing.

a. number of requests processed0

b. median number of days to process.....0

B. Status of pending requests.

1. Number of requests pending as of end of current fiscal year..... 2

2. Median number of days that such requests were pending as of that date.....31

VIII. Comparisons with Previous Year(s) (Optional)

A. Comparison of numbers of requests received

*391 requests received in FY 2001
282 requests received in FY 2002*

B. Comparison of numbers of requests processed

*391 requests processed in FY 2001
280 requests processed in FY 2002*

C. Comparison of median numbers of days requests were pending as of the end of the fiscal year

*0 requests pending in FY 2001
2 request pending in FY 2002*

D. Other statistics significant to agency--*In FY 2002, MSPB received 0 requests for expiated processing.*

E. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public.

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel..... 0

2. Number of personnel with part-time or occasional FOIA duties (in total work years)..... **0.4**

3. Total number of personnel (in work years)..... **0.4**

B. Total costs (including staff and all resources)

1. FOIA processing (including appeals)..... **\$63,000.00**

2. Litigation-related activities (estimate)..... **0**

3. Total costs..... **\$63,000.00**

4. Comparison with previous year(s) (including percentage of change) (optional).

C. Statement of additional resources needed for FOIA compliance (optional)

X. Fees

A. Total amount of fees collected by agency for processing requests..... **\$339.00**

B. Percentage of total costs..... **.01%**