



U.S. Merit Systems Protection Board

APR-APP

for

FY 2016-2018

FY 2016 Annual Performance Results

and

Annual Performance Plan for

FY 2017 (Final) and

FY 2018 (Proposed)

May 23, 2017

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Foreword

The U.S. Merit Systems Protection Board (MSPB) submits this Annual Performance Report and Annual Performance Plan (APR-APP), which combines the Annual Performance Report for FY 2016 with the Annual Performance Plan for FY 2017 (Final) – FY 2018 (Proposed) as required by the Government Performance and Results Act Modernization Act of 2010 (GPRAMA). It also contains information about MSPB appeals processing as required by § 7701(i)(1) of Title 5 United States Code, and information about cases involving whistleblowers pursuant to the Whistleblower Protection Enhancement Act of 2012 (WPEA, see Appendix A).

The APR-APP contains information about MSPB including its origin in relation to civil service history; role and functions; scope of responsibility; organization and structure; and how it brings value to the merit systems, Federal agencies, the workforce, and the public. It also provides information about the Merit System Principles (MSPs) and Prohibited Personnel Practices (PPPs). The APR-APP contains the annual performance report for FY 2016 comparing actual results to performance targets including prior year results for comparative purposes. It also contains: the final goals, measures, and targets for FY 2017 and proposed targets for FY 2018 along with explanatory information on changes; an overall summary of the external trends and internal management challenges that have affected or may continue to affect MSPB's performance; and information about performance measurement and program evaluation.

The APR-APP has been prepared in accordance with guidance provided by the Office of Management and Budget (OMB) and other sources. The APR-APP was prepared by Government employees in accordance with the GPRAMA. The APR-APP is available on the MSPB website at www.mspb.gov.

We invite customers and stakeholders to send comments to improve the APR-APP to:

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U.S. Merit Systems Protection Board
FY 2016 Performance Results
Annual Performance Plan
for FY 2017 (Final) and FY 2018 (Proposed)

Introduction

A highly qualified, diverse Federal workforce managed under the Merit System Principles (MSPs), and in a manner free from Prohibited Personnel Practices (PPPs) is critical to ensuring Federal agency performance and service to the public. The MSPs are good management practices that help ensure that the Federal Government is able to recruit, select, develop, maintain, and manage a high-quality workforce and thereby reduce staffing costs and improve organizational results for the American people. The PPPs are specific proscribed behaviors that undermine the MSPs and adversely impact the effectiveness and efficiency of the workforce and the Government. MSPB's fundamental function is to ensure that the Federal workforce is managed in a manner consistent with the MSPs and protected from PPPs.

This APR-APP contains performance goals, measures, and targets for the strategic and management objectives defined in MSPB's [Strategic Plan for FY 2016–2018](#). The APR includes final performance results for FY 2016. The APP includes final performance targets for FY 2017 and proposed targets for FY 2018.

Summary of Results and Critical External and Internal Issues

Highlights of MSPB's recent results, and its most significant external factors and internal management challenges are presented here. Complete performance results are provided in the section on [Performance Goals, Measures, Results, and Targets](#). More information about external issues and internal management challenges is provided in the section on [Trends and Challenges that May Affect Agency Performance](#).

Accomplishments in FY 2016. MSPB exceeded three strategic objectives, met or substantially met seven of its strategic or management objectives, and did not meet one objective. MSPB substantially met its adjudication objective by exceeding its targets for quality of initial decisions and PFRs; processing 99.5 percent of furlough cases and 78 percent of its nonfurlough case workload; and issuing over 1,000 decisions at headquarters (HQ) with a processing time that was substantially less than the target. MSPB met its merits systems studies objectives by exceeding the target for publishing newsletters and Noteworthy articles, and achieving the targets for publishing study reports and conducting surveys. Reports were published on Senior Executive Service (SES) training and development, preventing nepotism, and how the MSPs guide the fair and effective management of the Federal workforce. MSPB successfully administered the web-based 2016 Merit Principles Survey (MPS) to over 120,000 Federal employees in 24 agencies.

MSPB exceeded the 3 strategic objectives related to the advancement of the public interest through education and promotion of stronger merit systems, that adhere to MSPs, and prevent PPPs. MSPB work was cited hundreds of times in a wide variety of online and print sources. Former Chairman Susan Tsui Grundmann submitted record testimony to the House Committee on Oversight and Government Reform Subcommittee on Government Operations reauthorization hearing in December 2015. MSPB studies were cited in the Government Accountability Office (GAO) August 2016 report on Office of Personnel Management (OPM) oversight of hiring authorities and in the GAO September 2016 report on engaging millennials. Studies reports were also cited in

Congressional discussions on veterans' hiring procedures, addressing employee misconduct, and preventing discrimination against Federal employees based on sexual orientation. MSPB exceeded the target for number of outreach events in which MSPB staff presented information to a wide range of audiences. MSPB exceeded the targets for number of visits to selected pages on its website and for the number of educational materials posted on its website. Educational materials included an important Noteworthy article focused on educating readers about reasonable cause to use indefinite suspensions in situations that involve potentially criminal behavior.

MSPB met or substantially met its four management objectives. Results for the employee competency performance goal (from the Federal Employee Viewpoint Survey (FEVS)) did not achieve the target; likely due to the departure of several highly-experienced, long-serving MSPB employees. MSPB achieved the FEVS performance targets for diversity and engagement, as well as the targets for inclusion and for safety and security (from the Internal Survey (IS)). MSPB achieved the targets for percent of positions vacant for six months or more, and for progress on e-Adjudication. MSPB made progress on stabilizing its information technology (IT) infrastructure following the IT outage in June 2015 and implemented many recommendations from subsequent external reports on its IT systems and operations. MSPB also restructured its IT and information system goals and measures and updated the IS to improve measures of internal and external IT customer service and availability and reliability of IT systems, hardware, and applications.

Significant External Trends and Issues. Significant external trends affecting MSPB's mission include recent and proposed changes to law and jurisdiction, retirement eligibility of the Federal workforce, and potential budget and workforce reductions (including Governmentwide Reorganization¹) in FY 2018 and beyond.

The FY 2016 National Defense Authorization Act (NDAA) made several changes to its civilian management authorities. The NDAA for FY 2017 added MSPB appeal rights for approximately 15,000 to 22,000 National Guard technicians², and made other human resources (HR) management changes, some of which apply Governmentwide. Various legislative proposals were introduced in the 114th Congress, which would expand the Department of Veterans' Affairs (VA) SES appeals procedures³ to other VA employees, or to the SES Governmentwide. Many of those ideas, and others, will likely be included in legislation proposed in the 115th Congress. Workforce reductions in selected agencies may begin in FY 2018 and beyond. Budget and workforce reductions could involve furloughs, reductions in force (RIFs), or early retirements (through Voluntary Early Retirement Authority (VERA) and Voluntary Separation Incentive Payment (VSIP)). Cases involving each of these matters are appealable to the MSPB. The number of Federal employees eligible to retire, and the number of employees being added to the retirement rolls are increasing.

These changes could impact the merit systems, management of the workforce, and/or MSPB functions or operations directly or indirectly. For example, legislative, demographic, budget and workforce changes could increase MSPB's appeals workload, increase the complexity of cases it adjudicates, reduce the timelines for processing appeals, or require changes in MSPB adjudication procedures. The changes also emphasize the importance of continued focus on our merit systems studies and OPM review functions to help ensure the workforce is managed under the MSPs and free from PPPs. MSPB will continue to track these external factors and identify and assess their potential impact on MSPB's operations, mission, and resource requirements.

¹ Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce, (OMB Memorandum M-17-22), April 12, 2017.

² Association of Civilian Technician, <http://www.actnat.com/>

³ Under the [Veterans Access, Choice, and Accountability Act of 2014, Pub. L. No. 113-146](#).

Significant Internal Management Challenges. MSPB's greatest internal management challenges include human capital issues and ensuring a stable and viable IT infrastructure to support its mission and administrative functions, and effective implementation of IT modernization initiatives. MSPB will consider these management challenges in its efforts to address the OMB guidance on Government Reorganization.

We appreciate Congressional support of recent budget requests allowing MSPB to increase its staff since the end of FY 2013. This increase was necessary to recover from previous budget shortfalls, process thousands of furlough appeals, maintain petition for review (PFR) inventory levels, and maintain the pool of new attorneys to support succession planning and prepare for the future. Even with this staff increase, approximately 22 percent of MSPB employees, including nearly 27 percent of MSPB's permanent administrative judges (AJs), are eligible to retire in the next two years. If no significant increases in workload occur, MSPB must be able to retain its Full-Time Equivalent (FTE) level in FY 2017 and beyond to perform its statutory functions effectively and efficiently. In FY 2016, MSPB began a sustained strategic human capital planning process focused on its highest priority issues, including ensuring necessary IT expertise and planning for the high percentage of AJs and one-deep critical employees who are eligible to retire.

Chairman Susan Tsui Grundmann's term ended on March 1, 2016, and she continued to serve in a one-year hold-over period until her resignation as a Board Member and Chairman, effective January 7, 2017. Pursuant to [5 U.S.C. § 1203\(c\)](#), Member Mark A. Robbins assumed responsibility and authority for all functions vested in the Chairman effective January 8, 2017. On January 23, 2017, President Donald J. Trump designated Mark A. Robbins as the Board Vice Chairman. With two Board vacancies, MSPB lacks a quorum, which is preventing it from issuing decisions in PFR cases (although PFRs may still be filed with the Board) and issuing reports of merit system studies. Long-standing delegations authorized by Title 5 of the U.S. Code will allow MSPB AJs in the regional and field offices to continue hearing appeals and issuing initial decisions. In addition, appellants in these actions may exercise their right to appeal directly to the U.S. Court of Appeals for the Federal Circuit, or appeal whistleblower decisions to other Circuit Courts under the WPEA. Thus, MSPB's adjudicatory processes, albeit truncated, will continue.

The thousands of appeals received as a result of furloughs in 2013 reinforced the need for MSPB to shift from paper to electronic appeals processing (internally and externally) and electronic records management to improve efficiency and customer service. The e-Adjudication initiative will yield important potential improvements in efficiency, but will require a significant initial and sustained investment of resources. Although MSPB conducted its 2016 MPS through contractor support, MSPB's long-term ability to conduct surveys to support merit systems studies requires obtaining an automated, web-based, survey capability that provides flexibility in survey design and administration and works securely in a cloud-based environment.

The June 2015 IT outage continued to adversely affect the achievement of MSPB objectives, especially those related to e-Adjudication, and obtaining a secure, cloud-based survey capability essential for our studies and customer survey functions. In late FY 2015 and early FY 2016, we received assessments and recommendations from two vendors that reviewed our backup configurations and virtual environment, and a consultant that conducted "an independent review of [our] existing IT infrastructure, virtualization strategy and operational processes and procedures to identify areas where improvements can be made. . . This [included] taking a holistic approach to make certain that MSPB's IT systems are effectively and efficiently designed to meet [the needs of] an organization of its size, budget and scope of business."

We implemented applicable recommendations from the vendors, and completed 60 percent of the recommendations in the consultant's report. We continue to follow up on the remaining recommendations. Some of those require substantial effort, e.g., updating our core business applications. In addition, William Spencer, previously the Clerk of the Board, was appointed Acting Chief Information Officer (CIO) effective June 27, 2016. The Office of Information Resources Management (IRM) now has two overarching goals that align with the consultant's recommendations and our Annual Performance Plan: (1) improving the stability and reliability of our IT environment; and (2) modernizing our core business applications and migrating our data center to the cloud. These efforts are moving forward in FY 2017 as part of our recovery from the outage and efforts to re-establish confidence in our IT systems and processes.

About MSPB

A Merit-based U.S. Civil Service. Briefly reviewing the history of our Federal civil service is helpful in understanding the origin and purpose of MSPB. Until the early 1880s, the Federal civil service was a patronage or "spoils system" in which the President's administration appointed Federal workers based on their political beliefs and support of his campaign, rather than on the employee's suitability and qualifications to perform particular jobs.⁴ Over time, this practice contributed to an unstable workforce lacking the necessary qualifications to perform its work, which in turn adversely affected the efficiency and effectiveness of the Government and its ability to serve the American people. The patronage system continued until President James A. Garfield was assassinated by a disgruntled Federal job seeker who felt he was owed a Federal job because he supported the President's campaign. A public outcry for reform resulted in passage of the Pendleton Act in 1883. The Pendleton Act created the Civil Service Commission (CSC), which monitored and regulated a civil service system based on merit and the use of competitive examinations to select qualified individuals for Federal positions. This process contributed to improvements in Government efficiency and effectiveness by helping to ensure that a stable, highly qualified Federal workforce, free from partisan political pressure, was available to provide capable and effective service to the American people.

During the following decades, it became clear that the CSC could not properly, adequately, and simultaneously set managerial policy, protect the merit systems, and adjudicate employee appeals. Concern over the inherent or perceived conflict of interest in the CSC's role as both the rule-maker and adjudicator of those same rules was a principal motivating factor behind the passage of the Civil Service Reform Act of 1978 (CSRA).⁵ The CSRA replaced the CSC with three new agencies including: MSPB as the successor to the Commission;⁶ OPM as the President's agent for Federal workforce policy and procedure; and the Federal Labor Relations Authority to oversee Federal labor-management relations.

Current Organization. MSPB is an independent Federal agency within the Executive Branch. Its three Board Members (the Chairman, Vice Chairman, and Board Member), are appointed by the President and confirmed by the Senate. The Board Members serve overlapping, nonrenewable seven-year terms and they can be removed only for cause. No more than two of the three Board Members can be from the same political party. The Board Members' primary role is to adjudicate the cases brought to the Board. The Chairman, by statute, is the chief executive and administrative officer. MSPB also has independent budgetary authority and hiring authority for its General Schedule (GS) employees. As noted earlier, Vice Chairman Mark A. Robbins is the only current

⁴ Bogdanow, M., and Lanphear, T., History of the Merit Systems Protection Board, Journal of the Federal Circuit Historical Society, Vol. 4, 2010, pages 109-110.

⁵ Ibid. page 113.

⁶ Ibid. page 114.

Board Member. With two Board Member vacancies, MSPB lacks a quorum, which impacts issuance of PFR decisions and merit system study reports.

MSPB HQ, located in Washington, D.C., has eight offices that are responsible for conducting MSPB's statutory and support functions. The Directors of these eight offices report to the Chairman through the Executive Director. MSPB also has six regional and two field offices located throughout the United States. These offices process initial appeals and report through the Director of Regional Operations. The agency is currently authorized to employ approximately 235 FTEs to conduct and support its statutory duties. Many support functions are performed by other Federal agencies through interagency agreements. More information about MSPB's functions and scope of responsibilities; office responsibilities and MSPB's organizational chart; how MSPB brings value to the merit systems, the Federal workforce and the public; and the MSPs and PPPs is provided in Appendix B.

Linking this Plan to Other Agency Documents

This APP is based on the strategic and management objectives contained in MSPB's [Strategic Plan](#) updated for FY 2016–2018. Individual performance plans for MSPB's senior executives are linked to agency annual performance and management goals, as applicable. MSPB reports program performance results compared to performance targets in accordance with GPRAMA and OMB guidance. MSPB's plans and reports are posted on MSPB's website at www.mspb.gov.

The performance goals, measures, and targets describe what MSPB can accomplish with the budgetary and FTE resources enacted for FY 2017 and requested for FY 2018. MSPB adjusted the FY 2017 targets from those contained in the FY 2017 [APP](#) based on recent changes in external and internal factors. MSPB proposed FY 2018 performance goals, measures, and targets based on current agency performance, external factors such as recent enacted legislation, internal management challenges, and OMB and Congressional budget actions.⁷

⁷ Consistent with GPRAMA and OMB guidance, MSPB does not define priority goals, does not have low priority program activities, nor does it have a specific role in achieving Federal cross-agency priority goals. MSPB does not have any duplicative, overlapping, or fragmented programs as referenced in the Executive Order on 'Delivering an Efficient, Effective, and Accountable Government.' MSPB also does not have any internal management challenges reported in the GAO High Risk List.

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MSPB Performance Framework

Mission

Protect the Merit System Principles and promote an effective Federal workforce free of Prohibited Personnel Practices.

Vision

A highly qualified, diverse Federal workforce that is fairly and effectively managed, providing excellent service to the American people.

Organizational Values

- Excellence:** We will base our decisions on statutes, regulations, and legal precedents; use appropriate scientific research methods to conduct our studies and make practical recommendations for improvement; and develop and use appropriate processes to oversee the regulations and significant actions of the Office of Personnel Management. We will interact with our customers and stakeholders in a professional, respectful, and courteous manner. We will strive to be a model merit-based organization by applying the lessons we learn in our work to the internal management of MSPB.
- Fairness:** We will conduct our work in a fair, unbiased, and objective manner. We will be inclusive in considering the various perspectives and interests of stakeholders in our work, and in our external and internal interactions with individuals and organizations.
- Timeliness:** We will issue timely decisions in accordance with our performance goals and targets. We will issue timely reports on the findings and recommendations of our merit systems studies. We will respond promptly to inquiries from customers and stakeholders.
- Transparency:** We will make our regulations and procedures easy to understand and follow. We will communicate with our customers and stakeholders using clear language. We will make our decisions, merit systems studies, and other materials easy to understand, and widely available and accessible on our website. We will enhance the understanding of our processes and the impact of our products through outreach efforts.

Strategic Goals and Objectives

Strategic Goal 1: Serve the public interest by *protecting* Merit System Principles and *safeguarding* the civil service from Prohibited Personnel Practices.

Strategic Objectives:

- 1A: Provide understandable, high-quality resolution of appeals, supported by fair and efficient adjudication and alternative dispute resolution (ADR) processes.
- 1B: Enforce timely compliance with MSPB decisions.
- 1C: Conduct objective, timely studies of the Federal merit systems and Federal human capital management issues.
- 1D: Review and act upon the rules, regulations, and significant actions of the Office of Personnel Management, as appropriate.

Strategic Goal 2: Advance the public interest through *education* and *promotion* of stronger merit systems, *adherence* to Merit System Principles, and *prevention* of Prohibited Personnel Practices.

Strategic Objectives:

- 2A: Inform, promote, and/or encourage actions by policy-makers, as appropriate, that strengthen Federal merit systems laws and regulations.
- 2B: Support and improve the practice of merit, adherence to MSPs, and prevention of PPPs in the workplace through outreach.
- 2C: Advance the understanding of the concepts of merit, MSPs, and PPPs through the use of educational standards, materials, and guidance established by MSPB.

Management Objectives

Management Objectives: Effectively and Efficiently . . .

- M1: Lead and manage employees to ensure a diverse, inclusive, and engaged workforce with the competencies to perform MSPB's mission and support functions.
- M2: Manage budget and financial resources and improve adjudication efficiency to ensure necessary resources now and in the future.
- M3: Manage information technology and information services programs to support agency mission and administrative functions and implement modernization initiatives.
- M4: Ensure employee and workplace safety and security.

Tabular Summary of Current Progress and Future Targets

Summary of MSPB FY 2016 Performance Results			
Strategic Goal 1: Serve the public interest by <i>protecting</i> Merit System Principles and <i>safeguarding</i> the civil service from Prohibited Personnel Practices.			
Strategic Obj. 1A: Provide understandable, high-quality resolution of appeals, supported by fair and efficient adjudication and alternative dispute resolution (ADR) processes.		Substantially Met	
Performance Goal	Performance Measure	2016 Target	2016 Results
1A-1 : Quality of initial decisions	Percent initial decisions reversed/remanded on PFR	10% or fewer	5%
1A-2 : Quality of Board/PFR decisions	Percent decisions unchanged by the reviewing court	92% or greater	94%
1A-3 : Participant perceptions of the adjudication <i>process</i>	Percent participant agreement	Begin automated customer surveys	Surveys submitted for OMB approval
1A-4 : Initial appeals processing timeliness	Average processing time	Finish furloughs, decrease inventory of nonfurloughs	Closed 99.5% of furloughs & 78% of nonfurloughs
1A-5 : PFR processing timeliness	Average processing time	220 days and track inventory	185 days
1A-6 : Participant perceptions of the ADR <i>process</i>	Percent participant agreement	Begin automated customer surveys	Surveys submitted for OMB approval
Strategic Obj. 1B: Enforce timely compliance with MSPB decisions.		Not Met	
1B-1 : Compliance case processing timeliness	Weighted average processing time for all compliance cases	135 days or fewer	159 days
Strategic Obj. 1C: Conduct objective, timely studies of Federal merit systems and Federal human capital management issues.		Met	
1C-1 : Number/scope of <i>Issues of Merit (IoM)</i> newsletter editions	Number/scope of newsletter editions and Noteworthy articles published	Publish 3-4 <i>IoM</i> eds./online articles	3 <i>IoM</i> issues & 2 Noteworthy articles
1C-2 : Number/scope of study reports	Number/scope of reports published	3-4 reports completed	3 reports (all MSPs)
1C-3 : Conduct surveys of Federal employees to assess & report on health of merit system	Conduct/analyze periodic surveys of Federal employees	Conduct 2016 Merit Principles Survey (MPS), plan survey capability purchase	Conducted security-compliant MPS of 120,000 employees in 24 agencies
Strategic Obj. 1D: Review and act upon the rules, regulations, and significant actions of OPM, as appropriate.		Met	
1D-1 : Review OPM rules/regulations	Number/scope of OPM regulations reviewed	Track and report activity	Processed 9 requests to review OPM regulations
1D-2 : Review OPM significant actions	Number/scope of OPM significant actions reviewed	Maintain scope; publish review	2015 Annual Report published Feb. 29
Strategic Goal 2: Advance the public interest through <i>education</i> and <i>promotion</i> of stronger merit systems, adherence to Merit System Principles, and the <i>prevention</i> of Prohibited Personnel Practices.			
Strategic Obj. 2A: Inform, promote, and/or encourage actions by policy-makers that strengthen Federal merit system laws & regs.		Exceeded	
2A-1 : References to MSPB's work	Scope of references to MSPB's work	Maintain scope	Citations in over 135 sources
2A-2 : Create policy-related products	Number/scope of policy-related products	Post new study report highlights	Met, see report

Strategic Goal 2: Continued			
Strategic Obj. 2B: Support & improve the practice of merit, adherence to MSPs, & prevention of PPPs through outreach.		Exceeded	
Performance Goal	Performance Measure	2016 Target	2016 Results
2B-1 : Conduct merit-based outreach events	Number/scope of merit-based outreach events	90 events, improve tracking	115 + events
Strategic Obj. 2C: Advance the understanding of the concept of merit, MSPs, & PPPs through the use of educational standards, materials & guidance established by MSPB.		Exceeded	
2C-1 : Practice/educational website materials accessed	Number of visits/accesses from website	Within \pm 5% of previous year	892,825 visits to selected webpages
2C-2 : Create/update electronic educational materials	Number/type of new or updated educational materials	5 or more new products	6 types of new educational materials
2C-3 : MSPB website meets customer needs	Percent agreement with website survey questions	Begin automated customer surveys	Not rated, goal discontinued

Management Obj. M1: Lead & manage employees to ensure an engaged workforce with competencies to perform mission.		Substantially Met	
M1-1 : Ensure workforce competencies	Percent positive Federal Employee Viewpoint Survey (FEVS) competency questions	\pm 5% from previous year	68% positive 11% lower
M1-2 : Maintain perceptions of diversity & inclusion	Percent agreement with FEVS diversity & Internal Survey (IS) inclusion questions	\pm 5% from previous year	Diversity 67% 4% lower Inclusion 78% 1% higher
M1-3 : Maintain employee engagement	Percent agreement FEVS engagement questions	\pm 5% from previous year	69% positive 5% lower
Management Obj. M2: Manage budget and financial resources and improve adjudication efficiency to ensure necessary resources now and in the future.		Met	
M2-1 : Ensure justified budgets & resource accountability	Average of percent funded positions vacant at end of each month	8% or fewer positions vacant	8.7% average vacancy rate
M2-2 : Improve adjudication processing efficiency	Proportion of cases processed entirely electronically	Assess IT infrastructure and mission needs for e-Adjudication	Met, see report
Management Obj. M3: Manage IT and information services programs to support mission.		Met	
M3-1 : Ensure IT application and system availability	Average percent downtime of key systems	Stabilize IT infrastructure; achieve IT-related objectives	Met, see report
M3-2 : Maintain internal/external IT customer support	Percent of internal and external tickets resolved within service level agreement (SLA)	Stabilize IT infrastructure; achieve IT-related objectives	Met, see report
Management Obj. M4: Ensure individual and workplace safety and security.		Met	
M4-1 : Employees prepared to ensure safety and security	Percent agreement on IS safety and security questions	\pm 5% from previous year	85% positive 2% lower

Summary of MSPB FY 2017 (Final) and FY 2018 (Proposed) Performance Plan			
Strategic Goal 1: Serve the public interest by <i>protecting</i> Merit System Principles and <i>safeguarding</i> the civil service from Prohibited Personnel Practices.			
Strategic Obj. 1A: Provide understandable, high-quality resolution of appeals, supported by fair and efficient adjudication and alternative dispute resolution (ADR).			
Performance Goal	Performance Measure	2017 Target (Final)	2018 Target (Proposed)
1A-1 : Quality of initial decisions	Percent initial decisions reversed/remanded on PFR	10% or fewer	
1A-2 : Quality of Board/PFR decisions	Percent decisions unchanged by the reviewing court	92% or greater	
1A-3 : Participant perceptions of the adjudication <i>process</i>	Percent participant agreement	Continue surveys, address issues	
1A-4 : Initial appeals processing timeliness	Average processing time	Close 65% of cases filed prior to FY 2017	TBD based on 2017 results
1A-5 : PFR processing timeliness	Average processing time	220 days or fewer	TBD based on 2017 results
1A-6 : Participant perceptions of the ADR <i>process</i>	Percent participant agreement	Continue customer surveys, address issues, as appropriate	
Strategic Obj. 1B: Enforce timely compliance with MSPB decisions.			
1B-1 : Compliance case processing timeliness	Weighted average processing time for all compliance cases	135 days or fewer	
Strategic Obj. 1C: Conduct objective, timely studies of Federal merit systems and Federal human capital management issues.			
1C-1 : Number/scope of <i>Issues of Merit</i> newsletter editions	Number/scope of newsletters published	3-4 newsletter editions or Noteworthy articles	
1C-2 : Number/scope of study reports	Number/scope of reports published	3-4 merit systems study reports published	
1C-3 : Conduct surveys of Federal employees to assess & report on health of merit system	Conduct/analyze periodic surveys of Federal employees	Analyze MPS data; consider future survey capability	TBD based on 2017 results
Strategic Obj. 1D: Review and act upon the rules, regulations, and significant actions of OPM, as appropriate.			
1D-1 : Review OPM rules/regulations	Number/scope of OPM regulations reviewed	Track and report activity	
1D-2 : Review OPM significant actions	Number/scope of OPM significant actions reviewed	Maintain scope; publish review of OPM significant actions in Annual Report	
Strategic Goal 2: Advance the public interest through <i>education</i> and <i>promotion</i> of stronger merit systems, adherence to Merit System Principles, and the <i>prevention</i> of Prohibited Personnel Practices.			
Strategic Obj. 2A: Inform, promote, and/or encourage actions by policy-makers, as appropriate, that strengthen Federal merit system laws & regulations.			
2A-1 : References to MSPB's work	Scope of references to MSPB's work	Maintain scope	
2A-2 : Create policy-related products	Number/scope of policy-related products	Post highlights for all new study reports	

Strategic Goal 2: Continued			
Strategic Obj. 2B: Support & improve the practice of merit, adherence to MSPs, & prevention of PPPs in the workplace through outreach.			
Performance Goal	Performance Measure	2017 Target (Revised)	2018 Target (Proposed)
<u>2B-1</u> : Conduct merit-based outreach events	Number/scope of merit-based outreach events	Within ± 5% of the number of outreach events in the previous year	
Strategic Obj. 2C: Advance the understanding of the concept of merit, MSPs, & PPPs through the use of educational standards, materials & guidance established by MSPB.			
<u>2C-1</u> : Practice/educational website materials accessed	Number of visits to the MSPB website	Within ± 5% of previous year	
<u>2C-2</u> : Create/update electronic educational materials	Number/type of new or updated educational materials	Post 5 or more new or updated educational materials	

Management Obj. M1: Lead & manage employees to ensure a diverse, inclusive, & engaged workforce with competencies to perform MSPB's mission & support functions.			
<u>M1-1</u> : Ensure workforce competencies	Average percent agreement on FEVS competency questions	Maintain competency agreement within ± 5% from previous year	
<u>M1-2</u> : Maintain perceptions of diversity & inclusion	Average percent agree on FEVS diversity & Internal Survey (IS) inclusion questions	Maintain diversity and inclusion within ± 5% from previous year	
<u>M1-3</u> : Maintain employee engagement	Average percent agreement on FEVS engagement questions	Maintain engagement within ± 5% from previous year	
Management Obj. M2: Manage budget and financial resources and improve adjudication efficiency to ensure necessary resources now and in the future.			
<u>M2-1</u> : Ensure justified budgets & resource accountability	Percent of funded positions vacant each month, averaged over the year.	8% or fewer	
<u>M2-2</u> : Improve adjudication processing efficiency	Proportion of cases processed entirely electronically	Develop requirements for next generation of core business apps.	Select & begin implementing next generation of core business apps.
Management Obj. M3: Manage information technology and information services programs to support agency mission and administrative functions and implement modernization initiatives.			
<u>M3-1</u> : Ensure available/reliable IT infrastructure & applications	Average percent agreement on relevant IS questions	Percent agreement within ± 5% of previous year	TBD based on FY 2017 IS results
<u>M3-2</u> : Maintain internal/external IT customer support	Percent tickets closed within SLA and with customer agreement	Continue cSupport, plan for iSupport system	TBD based on FY 2017 results
<u>M3-3</u> : Ensure satisfaction with internal IT support	Average percent agreement on relevant IS questions	Percent agreement within ± 5% of previous year	TBD based on FY 2017 IS results
<u>M3-4</u> : Ensure e-Appeal Online meets customer needs	Average percent agreement on e-Appeal customer survey questions	Begin development of customer survey	TBD based on FY 2017 results
Management Obj. M4: Ensure individual and workplace safety and security.			
<u>M4-1</u> : Employees prepared to ensure safety and security	Average percent agreement on relevant IS questions	Percent agreement within ± 5% of previous year	

Performance Goals, Measures, Results, and Targets

Strategic Goal 1: Serve the public interest by *protecting* Merit System Principles and *safeguarding* the civil service from Prohibited Personnel Practices.

Strategic Objective 1A: Provide understandable, high-quality resolution of appeals supported by fair and efficient adjudication and alternative dispute resolution (ADR) processes.

Results and Targets: This objective was SUBSTANTIALLY MET. MSPB exceeded its performance targets for quality of initial decisions and PFR decisions. The percentage of initial appeals remanded or reversed due to error or oversight was 50 relative percentage points of the difference between the target and the maximum level possible of 100 percent. MSPB's regional and field offices processed over 8,570 cases, including 2,235 furlough initial appeals, which equates to completion of over 99.5 percent (cumulative) of furlough initial appeals filed since 2013. MSPB also processed 78 percent of its nonfurlough initial appeals workload. The average processing time for PFRs was 185 days, which is 16 relative percentage points below the target of 220 days. MSPB HQ processed over 1,115 cases (PFRs and PFRs of addendum decisions), which is 24 percent more decisions than the average processed in FY 2009–2012. MSPB collected customer feedback from ADR and PFR customers. An automated process to sample and invite adjudication and ADR participants to complete an online customer service survey was programmed and tested. Customer surveys were drafted and delivered to OMB for approval under the Paperwork Reduction Act. The automated survey process will be implemented in FY 2017.

MSPB will continue to focus on issuing high quality decisions. Therefore, FY 2017-2018 targets for decision quality will remain as they were for FY 2016. MSPB is not establishing an FY 2017 average processing time target for initial appeals, but will track a new interim indicator defined as the percentage of cases closed that were filed before (or on-board as of) October 1, 2016, and keep abreast of the processing of appeals arriving after that date. This indicator will replace indicator numbered 1A-4a and the target for FY 2017 will be to close 65 percent of these cases. Although new appeals are always arriving, this new indicator will help us maintain the focus on closing older appeals. For FY 2017, the target for average processing time for PFRs is set at 220 days, and is TBD for FY 2018 based on FY 2017 results. Achieving the target for FY 2017 will be very challenging given the current lack of a quorum on the Board requiring a halt to PFR decisions issued at HQ. In FY 2017, MSPB will begin the automated process to sample and invite adjudication and ADR customers to provide feedback through Survey Monkey and address issues based on survey results, as appropriate. MSPB will continue this customer survey process in FY 2018.

Performance Goal 1A-1: Maintain quality of initial decisions.			
Measure: Percent of initial decisions that are reversed or remanded on Petition for Review (PFR) due to error or oversight.			
Results		Targets	
FY 2010	9%	FY 2016	10% or fewer
FY 2011	7%	FY 2017	10% or fewer
FY 2012	6%	FY 2018	10% or fewer
FY 2013	8%		
FY 2014	7%		

FY 2015	2%	
FY 2016	5%	

Performance Goal 1A-2: Maintain quality of decisions reviewed by reviewing authority.

Measure: Percent of MSPB decisions left unchanged (affirmed or dismissed) upon review by the U.S. Court of Appeals for the Federal Circuit.

Results		Targets	
FY 2010	92%	FY 2016	92% or more
FY 2011	98%	FY 2017	92% or more
FY 2012	94%	FY 2018	92% or more
FY 2013	93%		
FY 2014	96%		
FY 2015	96%		
FY 2016	94%		

Performance Goal 1A-3: Maintain participants' positive perceptions of the adjudication process.

Measure: Percent of adjudication participants surveyed who agree that MSPB adjudication processes are fair, open, accessible, understandable, and easy to use.

Results		Targets	
FY 2012	Survey development and search for survey capability continued, implementation of new surveys postponed until FY 2013 due to resource limitations and competing priorities. (New in FY 2012.)	FY 2016	Begin an automated process to sample and invite customer service and satisfaction feedback from adjudication customers with input via the new survey capability or other automated cloud-based survey capability; consider results and take appropriate action to address issues that do not meet targets.
FY 2013	Worked with contractor to assess hosting and security requirements and reviewed responses to Request for Information (RFI) designed to obtain information on current solutions for secure web-based survey capability. Further progress limited by competing priorities and the state of emerging web-based survey solutions.	FY 2017	Continue to obtain automated customer service and customer satisfaction feedback, consider results and take action to address issues, as appropriate.
FY 2014	Dept. of Interior National Business Center published an RFI to assess availability and drafted a Request for Quote (RFQ) to be issued to several cloud service providers.	FY 2018	Continue to obtain automated customer service and customer satisfaction feedback, consider results and take action to address issues, as appropriate.
FY 2015	Customer survey data collected from PFR customers in support of the PFR program evaluation.		
FY 2016	Collected feedback from PFR and MAP customers. Customer surveys submitted for OMB Paperwork Reduction Act (PRA) approval. Developed and tested an automated sampling and invitation process. Data collection will begin when surveys are approved by OMB.		

Performance Goal 1A-4: Maintain processing timeliness for initial appeals.			
Measure: Average case processing time for initial appeals.			
Results		Targets	
FY 2010	89 days	FY 2016	Complete furlough appeals, reduce inventory of nonfurlough appeals
FY 2011	94 days	FY 2017	Track closure of oldest cases under interim indicator 1A-4a (see below)
FY 2012	93 days	FY 2018	TBD based on FY 2017 results
FY 2013	93 days		
FY 2014	262 days*		
FY 2015	499 days*		
FY 2016	99.5% of furloughs & 78% of nonfurlough case workload completed		

* A weighted average including all initial appeals closed.

Interim Indicators for Initial Appeals Processing:

1A-4a: Percent of initial decisions issued for nonfurlough initial appeals. (e.g., cases dismissed, settled, or adjudicated on the merits, and including cases filed because of the Government shutdown in October 2013.) In FY 2017, this indicator will be redefined to be the percent of initial appeals cases closed that were filed before (or on-hand as of) October 1, 2016.

FY 2013	75%	(5,538/7,396)
FY 2014	70%	(5,212/7,480)
FY 2015	70%	(5,418/7,752)
FY 2016	78%	(5,886/7,669)
FY 2017 Target	Close 65% of cases filed before October 1, 2016	

Performance Goal 1A-5: Maintain processing timeliness for PFRs.			
Measure: Average case processing time for petitions for review (PFRs) of initial appeals.			
Results		Targets	
FY 2010	134 days	FY 2016	220 days or fewer
FY 2011	213 days	FY 2017	220 days or fewer
FY 2012	245 days*	FY 2018	TBD based on FY 2017 results
FY 2013	281 days		
FY 2014	287 days**		
FY 2015	190 days		
FY 2016	185 days		

* 74 PFR cases were impacted by the *Latham vs. USPS* oral argument case. The average overall PFR processing time, not counting these *Latham* cases, was 237 days.

** 20 PFR cases were impacted by the decisions issued by the U.S. Court of Appeals for the Federal Circuit related to *Conyers and Gargiulo*. If those cases are removed from the calculations, the average processing time is 279 days.

Performance Goal 1A-6: Maintain participants' positive perceptions of the ADR <u>process</u> .	
Measure: Percent of participants in the ADR programs, including initial appeals settlement and the Mediation Appeals Program (MAP), surveyed who agree that the ADR process was helpful, valuable, and noncoercive, even if no agreement was reached.	
Results	Targets

FY 2012	Survey development and search for survey capability continued, implementation of surveys postponed until FY 2013 due to resource limitations and competing priorities. (New in 2012.)	FY 2016	Begin an automated process to sample and invite customer service and satisfaction feedback from ADR customers with input via the new survey capability or other automated cloud-based survey capability, consider results and take appropriate action to address issues that do not meet targets.
FY 2013	Worked with contractor to assess hosting and security requirements and reviewed responses to Request for Information (RFI) designed to obtain information on current solutions for secure web-based survey capability. Further progress limited by competing priorities and the state of emerging web-based survey solutions.	FY 2017	Continue to obtain ADR customer service and customer satisfaction feedback, consider results and take action to address issues, as appropriate.
FY 2014	Dept. of Interior National Business Center published an RFI to assess availability and drafted a Request for Quote (RFQ) to be issued to several cloud service providers.	FY 2018	Continue to obtain ADR customer service and customer satisfaction feedback, consider results and take action to address issues, as appropriate.
FY 2015	Collected feedback from participants in the Mediation Appeals Program (MAP).		
FY 2016	Collected feedback on the PFR and MAP programs customers. Customer surveys submitted for OMB PRA approval. An automated sampling and invitation process was develop and tested. Data collection will begin when surveys are approved by OMB.		

Strategic Objective 1B: Enforce timely compliance with MSPB decisions.

Results and Targets: This objective was NOT MET. The average processing time for compliance cases was 159 days, nearly 17 relative percentage points longer than the target of 135 days. Results are moving toward shorter average processing times for compliance cases, so we will maintain this target for FY 2017 and FY 2018.

Performance Goal 1B-1: Maintain timeliness of processing compliance/enforcement cases.			
Measure: Weighted average processing time for all enforcement cases.			
Results		Targets	
FY 2010	180 days	FY 2016	135 days or fewer
FY 2011	288 days	FY 2017	135 days or fewer
FY 2012	244 days	FY 2018	135 days or fewer
FY 2013	355 days		
FY 2014	215 days		
FY 2015	161 days		
FY 2016	159 days		

Strategic Objective 1C: Conduct objective, timely studies of Federal merit systems and human capital management issues.

Results and Targets: This objective was MET. MSPB published 3 *IoM* newsletter editions, and 2 “Noteworthy” articles, 25 relative percentage points greater than the target. Noteworthy article topics included performance management as more than the performance appraisal, and reasonable cause in using indefinite suspensions in cases involving potentially criminal behavior. These newsletter and Noteworthy publications covered all MSPs and PPPs. MSPB published three reports entitled: [*Training and Development for the Senior Executive Service: A Necessary Investment*](#); [*Preventing Nepotism in the Civil Service*](#); and [*The Merit System Principles: Guiding the Fair and Effective Management of the Federal Workforce*](#). These reports covered all of the MSPs and PPPs. In addition, MSPB successfully administered the 2016 MPS to over 120,000 Federal civilian employees in 24 Federal agencies. The web-based MPS complied with all Federal IT security requirements and the responses are providing essential data for several studies from the current research agenda.

The target for the number of *IoM* newsletters and Noteworthy articles and the number of study reports published will remain the same for FY 2017 and FY 2018. It should be noted that achieving the FY 2017 target for the number of study reports published might be challenging due to the fact that the Board does not currently have a quorum under which reports may be reviewed and approved for publication. In FY 2017, the target for 1C-3 will include analyzing results of the 2016 MPS to support various studies conducted in accord with the research agenda published in 2015. In addition, MSPB will begin to consider and collaborate with the Acting CIO on options for a secure, cloud-based survey capability in the future. In FY 2018, MSPB will continue to analyze MPS results, and targets for progress on the survey capability will be determined based on 2017 results.

Performance Goal 1C-1: Maintain the number and scope of <i>Issues of Merit</i> newsletter editions or other articles.			
Measure: Number and scope of <i>Issues of Merit</i> (<i>IoM</i>) newsletter editions or other articles published.			
Results		Targets	
FY 2013	3 <i>IoM</i> newsletter editions and 1 article related to 8 MSPs, (New in FY 2013).	FY 2016	Publish 3-4 <i>IoM</i> eds. or articles
FY 2014	3 <i>IoM</i> newsletter editions and 6 online flash articles published relating to all MSPs and 4 PPPs.	FY 2017	Publish 3-4 <i>IoM</i> eds. or Noteworthy articles
FY 2015	3 <i>IoM</i> newsletter editions and 4 studies online flash articles relating to all MSPs and 8 PPPs.	FY 2018	Publish 3-4 <i>IoM</i> eds. or Noteworthy articles
FY 2016	3 <i>IoM</i> eds. & 2 Noteworthy articles (all MSPs & PPPs).		

Performance Goal 1C-2: Maintain the number and scope of MSPB study reports.			
Measure: Number and scope (percent of the workforce, agencies, or policy areas impacted) of merit systems studies reports published each year.			
Results		Targets	
FY 2010	5 reports completed.	FY 2016	3-4 study reports published.
FY 2011	4 reports completed.	FY 2017	3-4 study reports published.
FY 2012	3 reports completed.	FY 2018	3-4 study reports published.
FY 2013	1 report (3 MSPs) completed.		
FY 2014	4 reports approved and published.		
FY 2015	4 reports published (7 MSPs & 9 PPPs).		
FY 2016	3 reports published (all MSPs).		

Performance Goal 1C-3: Conduct surveys of Federal employees to assess and report on health of the Federal merit systems.			
Measure: Conduct periodic Governmentwide and focused surveys of Federal employees and others (including interrogatories directed to agencies), as appropriate.			
Results		Targets	
FY 2014	(New measure in FY 2015)		Administer next MPS and analyze MPS & other survey results; assess survey capability procurement requirement due to the IT outage and potential changes in Federal IT procurement and security requirements and determine how to ensure sufficient resources and expertise for the survey capability and determine next steps in acquiring this critical agency survey capability.
FY 2015	Content for the next MPS to support the new FY 2015-2018 research agenda was developed, & a survey vendor was selected to program and administer the next MPS, on track for administration in early 2016. An RFQ for the MSPB survey capability was issued by the DOI National Business Center; procurement of survey capability was put on hold in order to accomplish key milestones for the MPS, and as a result of the IT outage and changing Federal IT requirements.	FY 2016	
		FY 2017	Continue analyzing MPS & other survey results and prepare study reports on selected topics; begin to consider and collaborate with CIO on options for a future secure, cloud-based survey capability.
FY 2016	The 2016 MPS was successfully administered to approximately 120,000 Federal employees from 24 Federal agencies. The survey was fully compliant with Federal IT and security requirements and covered topics such as PPPs, dealing with poor performers, sexual and other workplace harassment, and employee engagement. Further assessment of survey capability requirements postponed until IT system changes are made.	FY 2018	Continue analyzing MPS & other survey results and prepare study reports on selected topics.

Strategic Objective 1D: Review and act upon the rules, regulations, and significant actions of the Office of Personnel Management, as appropriate.

Results and Targets: This objective was MET. MSPB continued to track activity related to review of OPM regulations and issued nine decisions in response to requests for review of OPM regulations. MSPB published its Annual Report for FY 2015, which contained a review of OPM significant actions for 2015, including new actions relating to Senior Executive Service Reform and Modernization, Recruitment, Engagement, Diversity and Inclusion, and Federal Supervisory and Managerial Framework and Guidance, and status updates of previous significant actions. The targets for these two performance goals will remain the same for FY 2017 and 2018.

Performance Goal 1D-1: Maintain program for review of OPM regulations.			
Measure: Number and scope (e.g., percent of the workforce, agencies, or policy areas impacted) of OPM rules and regulations (or implementation of the same) reviewed.			
Results		Targets	
FY 2012	After-action review of MSPB internal processes for review of OPM regulations postponed due to resource limitations and competing priorities. (New in FY 2012)	FY 2016	Track program activity and scope.

FY 2013	Reviewed MSPB internal procedures for reviewing OPM rules & regulations.	FY 2017	Track program activity and scope.
FY 2014	Decisions issued on 3 cases on review of OPM regulations.	FY 2018	Track program activity and scope.
FY 2015	One decision issued in response to a request for OPM regulation review.		
FY 2016	Nine decisions issued in response to requests for OPM regulation review.		

Performance Goal 1D-2: Maintain program for review and reporting of OPM significant actions.

Measure: Number and scope (e.g., percent of the workforce, agencies, or policy areas impacted) of OPM significant actions reviewed and reported.

Results		Targets	
FY 2012	Published FY 2011 Annual Report, which contained a broader range of OPM significant actions, updates of earlier actions, and added contextual information. After-action review of MSPB procedures of at least one OPM significant action postponed due to resource limitations, staff changes, and competing priorities. (New in FY 2012)	FY 2016	Maintain scope of review, and publish review of OPM significant actions for previous year in MSPB Annual Report.
FY 2013	Published MSPB's FY 2012 Annual Report, which included summary of OPM's significant actions. After-action review completed and submitted to Executive Director.	FY 2017	Maintain scope of review, publish review of OPM significant actions for previous year in MSPB Annual Report.
FY 2014	Published FY 2013 Annual Report containing summary of FY 2013 OPM significant actions equal in scope to previous years.	FY 2018	Maintain scope of review, publish review of OPM significant actions for previous year in MSPB Annual Report.
FY 2015	Published FY 2014 Annual Report including summary of 2014 OPM significant actions.		
FY 2016	FY 2015 Annual Report including review of 2015 OPM significant actions published on 29 Feb 2016.		

Strategic Goal 2: Advance the public interest through *education* and *promotion* of stronger merit systems, *adherence* to Merit System Principles, and the *prevention* of Prohibited Personnel Practices.

Strategic Objective 2A: Inform, promote, and/or encourage actions by policy-makers, as appropriate, that strengthen Federal merit systems laws and regulations.

Results and Targets: This objective was EXCEEDED. MSPB case decisions, case reports, studies reports, newsletter and Noteworthy articles, and other products were cited over 680 times in at least 135 different sources, over 17 relative percentage points more sources than in 2015. Sources included the print and electronic media, trade publications (on Federal management and legal issues), wire services, major city daily newspapers, Congressional sources, and a variety of websites and blogs. The MSPB [report](#) on fair and open competition was cited in the GAO [report](#) regarding the need for OPM to improve oversight of hiring authorities on Federal hiring. MSPB reports on improving [first level supervision](#) and [employee engagement](#) were cited in a GAO [report](#)

on lessons learned for engaging Millennials and other age groups. In Congressional testimony on the floor of the House, Representative Tammy Duckworth [cited](#) MSPB's [report](#) on sexual orientation in the workplace in support of H.R. 4668. The MSPB [report](#) on veterans' hiring was cited in Senate Report [114-25](#) related to the National Defense Reauthorization Act of 2017. MSPB merit system study reports were also cited in an International Personnel Management Association (IPMA) article and in Cayer and Sabharwal's 2016 textbook on *Public Personnel Administration*. Former Chairman Susan Tsui Grundmann testified and submitted a statement for the record to the House Committee on Oversight and Government Reform Subcommittee on Government Operations for the MSPB reauthorization hearing on December 16, 2015. MSPB posted Chairman Grundman's testimony, research highlights for all merit systems study reports issued in 2016, and an updated guide to MSPs on the MSPB website. The FY 2017 and 2018 targets for these performance goals will remain the same as for FY 2016.

Performance Goal 2A-1: Maintain scope of references to MSPB work and products.			
Measure: Scope (location or identity of citing organization) of references to MSPB decisions, reports, newsletters, web content, or other materials in policy papers, Federal legislation, professional literature, Executive Orders, the media, or other sources.			
Results		Targets	
FY 2012	MSPB was referenced in electronic and print sources (e.g., the Washington Post, GovExec.com, & FedNewsRadio Radio); in testimony by Special Counsel Carolyn Lerner about OSC's education and legislative efforts and in her presentation at the Federal Dispute Resolution conference, and in an OSC 11/22/2011 press release; a cost-effective method to automatically track references to MSPB work was not identified. (New in 2012.)	FY 2016	Maintain scope of references.
FY 2013	MSPB was cited in over 70 online or print media sources, trade publications (e.g., published by legal, employee, management, or union groups), and scientific journals from around the world; and several blogs and websites. MSPB's study on training supervisors was cited in OPM's guidance on supervisory training; and reports on employee engagement were referenced in a book about engaging Government employees published by the American Management Association.	FY 2017	Maintain scope of references.
FY 2014	MSPB was cited in over 94 sources including 24 professional or trade sources; 38 city print or online newspapers; 16 wire services including Associated Press (AP), United Press International (UPI), and Cable News Network (CNN) Wire; 7 Congressional sources; and 9 blogs or other sources. Congress cited MSPB's <i>The Power of Employee Engagement</i> report in its request for the GAO to study Federal employee morale and engagement. MSPB work was also cited in legislation on sensitive positions and the new VA legislation.	FY 2018	Maintain scope of references.

FY 2015	MSPB was cited in at least 115 different sources, including 48 professional and trade publications, 36 print or online city newspapers, 7 Congressional sources, 16 wire services, and 9 blogs and other sources. MSPB legal work and/or studies reports were cited in a GAO report and GAO testimony on engagement and in a GAO report on using the probationary period to manage poor performers. MSPB's report on due process was cited in Congressional testimony and in a Congressional blog by Congressman Mark Takano regarding the pending legislation on the VA Accountability Act of 2015. OPM also cited MSPB engagement reports in a white paper on how to engage the Federal workforce.	
FY 2016	MSPB was cited over 680 times in over 135 different sources, including 29 professional or trade publications, 12 Congressional publications, 17 wire services, and 48 newspapers. In addition, MSPB studies were cited in GAO reports on OPM oversight of Federal hiring authorities and on engaging Millennials, an IPMA News article, and in a text book on Federal HR. MSPB studies were cited in Congressional discussions of veterans' hiring, and preventing discrimination on the basis of sexual orientation.	

Performance Goal 2A-2: Maintain the number and scope of MSPB products focused on policy-makers makers or changing Governmentwide policy.

Measure: Number, type, and scope of MSPB products created and made available to inform policy-makers on issues and potential improvements to merit systems policies, laws, and/or regulations.

Results		Targets	
FY 2012	Products include text and video links on MSPB's website of the Chairman's testimony for the Senate oversight hearing. (New in FY 2012.)	FY 2016	Develop and post highlights from all new MSPB studies that focus on policy issues, as appropriate.
FY 2013	Developed and posted 3 one-page 'Research Highlights' - brief summaries of the findings & recommendations of merit system study reports related to policy issues.	FY 2017	Develop and post highlights from all new MSPB studies that focus on policy issues, as appropriate.
FY 2014	Posted <i>Research Highlights</i> for the <i>Clean Records, Favoritism, Training and Experience, Sexual Orientation, and Veterans Hiring Policies and Practices</i> reports and four previously published reports. Compiled highlights into a "catalog" of MSPB studies including an introduction by Chairman Grundmann.	FY 2018	Develop and post highlights from all new MSPB studies that focus on policy issues, as appropriate.

FY 2015	Posted <i>Research Highlights</i> for reports on <i>Veterans Redress Laws, Fair and Open Competition</i> , and <i>Due Process</i> ; and a monograph on Federal employee due process rules and reality and Chairman Grundmann's record testimony on S. 1082, S. 1117, and S. 1856.	
FY 2016	Posted <i>Research Highlights</i> for reports on <i>SES Training, Nepotism in the Federal Workforce, and The MSPs: Guiding Fair and Effective Management</i> ; Chairman Grundmann's record testimony from MSPB's 16 Dec 2015 Reauthorization Hearing before the House Committee on Oversight and Government Reform Subcommittee on Government Operations; and an important and informative article on using indefinite suspensions in cases involving possible criminal behavior.	

Strategic Objective 2B: Support and improve the practice of merit, adherence to MSPs, and prevention of PPPs in the workplace through outreach.

Results and Targets: This objective was EXCEEDED. MSPB conducted over 115 outreach events, which was 28 relative percentage points more than the target of 90 events $((115-90)/90)$. These events covered topics ranging from merit systems history, MSPs and PPPs, MSPB procedure and case law, and results from MSPB studies. Audiences ranged from agency and appellant attorneys, management and employee groups, affinity groups, human resources professional, chief human capital officers, to international visitors. The events helped improve and maintain the understanding of merit systems issues, MSPs, PPPs, the practice of merit in the workplace, how to manage effectively within the merit systems, and MSPB's legal precedent and adjudication procedures. MSPB also updated the outreach portion of the Office Calendar to improve the collection of outreach data. These improvements will be activated when the new Office Calendar is implemented in FY 2017. Recent interest in legislation related to the merit systems in selected Federal agencies, changes in workforce demographics, especially the potential for increased retirements and hiring new employees, as well as the ongoing Presidential transition, emphasizes the importance of MSPB's outreach efforts. Therefore, MSPB set FY 2017 and FY 2018 targets to conduct within ± 5 percent of the number of outreach events in the preceding year. In FY 2017, MSPB will implement an updated outreach section in the office calendar that will improve the quality of outreach data.

Performance Goal 2B-1: Maintain the number and scope of outreach contacts.			
Measure: Number and scope of MSPB contacts with practitioners and stakeholders focused on improving the understanding or practice of merit, improving adherence to MSPs, and preventing PPPs in the workplace.			
Results		Targets	
FY 2012	Almost 150 events were recorded in the outreach calendar on legal, merit system studies, and other topics; events included visits by the Federal Circuit and sister agencies (OSC, OPM, and Dept. of Labor/Appeals Review Board), and several events involving MSPB regulations. (New in FY 2012)	FY 2016	Conduct or participate in 90 outreach events. Update outreach portion of the Office Calendar to improve quality of outreach data and consider efficient methods to collect customer feedback.

FY 2013	Conducted 94 outreach events on topics related to MSPB studies, legal cases and processes, merit/MSPs/PPPs, and other issues.	FY 2017	Conduct or participate outreach events totaling within $\pm 5\%$ of the number from 2016. Using new outreach calendar data, consider methods to collect customer feedback on outreach events.
FY 2014	Conducted 100+ outreach events on legal, studies, merit/MSPs/PPPs, administrative, and other issues.	FY 2018	Conduct or participate outreach events totaling within $\pm 5\%$ of the number from 2017. Implement process for collection of customer feedback, as appropriate.
FY 2015	Conducted 144 outreach events on legal, studies, merit/MSPs/PPPs, administrative, and other issues. Participant surveys from formal conferences were available.		
FY 2016	Conducted over 115 outreach events on legal, studies, merit/MSPs/PPPs, administrative, and other issues. The new Office Calendar outreach section has been updated and will be implemented in FY 2017.		

Strategic Objective 2C: Advance the understanding of the concept of merit, MSPs, and PPPs through the use of educational standards, materials, and guidance established by MSPB.

Results and Targets: This objective was EXCEEDED. Almost 892,380 visits were recorded for the selected pages on the MSPB website that we track for this objective. This was over 36 relative percentage points more than the number of visits in FY 2015, well above the target of ± 5 percent from the previous year. MSPB published over 6 categories of new educational materials including: three merit systems studies report highlights; three FedNewsRadio Radio Interviews; the Chairman's recorded testimony from MSPB's reauthorization hearing in the House on December 16, 2016; the interim final rule on discovery in compliance proceedings; a new guide on MSPs; and the Organizational Functions and Delegations of Authority on the e-FOIA Reading Room page. In FY 2016, we did not rate and discontinued the performance goal to survey MSPB web users because it is not likely that we will have the resources to make changes to the website in the near future. The targets for web page visits and posting educational materials will remain the same for FY 2017 and 2018.

Performance Goal 2C-1: Maintain the number & scope of materials viewed or accessed from MSPB's website that are designed to improve the practice and understanding of merit.			
Measure: Number of visits to the MSPB website pages involving information, materials, or guidance related to improving the practice and understanding of merit from MSPB's website.			
Results		Targets	
FY 2012	Recorded almost 260,000 visits and almost 3,800,000 hits to documents linked on the MSPs, PPPs, <i>IoM</i> newsletter, and training webpages. (New in FY 2012)	FY 2016	Number of visits within $\pm 5\%$ of FY 2015 results.
FY 2013	Recorded over 554,000 visits and over 16 million hits to documents linked on the MSPs, PPPs, <i>IoM</i> newsletter, case report, and training webpages.	FY 2017	Number of visits within $\pm 5\%$ of FY 2016 results.

FY 2014	Recorded over 634,000 visits (12% more than in 2013) and nearly 11.8 million hits (30% fewer than in 2013) to documents linked on practice of merit and education webpages.	FY 2018	Number of visits within $\pm 5\%$ of FY 2017 results.
FY 2015	Over 655,400 visits; within $\pm 5\%$ of the total visits for FY 2014.		
FY 2016	892,379 visits to the MSPB website; over 36% more visits than in FY 2015.		

Performance Goal 2C-2: Maintain number and scope of available educational materials and guidance.

Measure: Number and type of merit system educational materials and guidance MSPB makes available electronically or on its website.

Results		Targets	
FY 2012	Materials include 11 PPPs of the month, 4 training videos, and several significant case reports. Additional materials include the Chairman's interview and article following the Senate hearing, live radio interviews of MSPB officials and staff, and oral argument page for <i>Latham v. USPS</i> . (New in FY 2012)	FY 2016	Post or distribute electronically 5 new or updated textual or multimedia educational products.
FY 2013	13 or more new or revised documents related to merit/MSPs/PPPs, and at least that many documents related to legal process and appeals issues were made available on the website including: 3+ on the WPEA and changes to the Hatch Act; 2 PPP summaries including a summary of new PPP 13; 8 <i>Research Highlights</i> from MSPB study reports; 4+ on MSPB's new adjudication regulations; 4+ on MSPB's new appeal form; 5+ on furlough appeals	FY 2017	Post or distribute electronically 5 new or updated textual or multimedia educational products.
FY 2014	Posted 8 <i>Research Highlights</i> (also counted under 2A-2); 9 radio interviews; letter and report regarding the VA SES legislation; webpage and training video for those interested in providing pro bono representation; materials for the studies research agenda (2); materials for the Special Panel oral argument (2); items related to updating MSPB's jurisdictional regulations; 12 informational updates or agency administrative files related to furlough cases.	FY 2018	Post or distribute electronically 5 new or updated textual or multimedia educational products.

FY 2015	Posted 3 <i>Research Highlights</i> for merit systems study reports; regulations governing MSPB's jurisdiction; FY 2014 Annual Report; the Chairman's testimony on proposed VA legislation (S. 1082, S. 1117, and S. 1856); and updated the pro bono page and appellant Q&A on review of Board decisions by the Federal Circuit. Posted a link to the <i>Guide on LGBT Discrimination Protections for Federal Workers</i> because MSPB played a significant role in creating the guidance.	
FY 2016	Posted <i>Research Highlight</i> for reports on <i>SES Training, Nepotism, and MSPs: Guiding the Fair and Effective Federal Management</i> ; two FedNewsRadio interviews on studies reports; the Chairman's record testimony from MSPB's 16 Dec 2015 reauthorization hearing in the House; the Chairman's radio interview on VA SES appeals; the interim final rule on discovery in compliance proceedings; an updated guide to MSPs, and Organizational Functions and Delegations of Authority (on the e-FOIA Reading Room page).	

Performance Goal 2C-3: Website contains complete, accurate, timely, well-organized, easy-to-use, searchable, and accessible information. To be discontinued effective in FY 2017.

Measure: Proportion of website users surveyed who agree website information is complete, accurate, timely, well organized, easy-to-use, searchable, and accessible (including Section 508 compliant) (external survey).

Results		Targets	
FY 2012	Survey capability under consideration, no survey data collected in 2012. (New in FY 2012.)	FY 2016	Implement routine automated website customer service/customer satisfaction surveys using new survey capability or another survey application, set future targets. Assess survey capability procurement requirement due to IT outage and potential changes in Federal IT procurement and security requirements and determine how to ensure sufficient resources and expertise for the survey capability and determine next steps in acquiring this critical agency survey capability.
FY 2013	Survey capability operability and security requirements developed; reviewed results from request for information (RFI) containing industry availability of solutions. General Service Administration conducted usability test of the website and provided a report.	FY 2017	This performance goal will be discontinued beginning in FY 2017.
FY 2014	Dept. of Interior (DOI) National Business Center published an RFI to assess availability and drafted a Request for Quote (RFQ) to be issued to several cloud service providers.		

FY 2015	An RFI for the MSPB survey capability was issued by the DOI National Business Center; Implementation of web user surveys and further work on the procuring a new survey capability was postponed due to resources needed to accomplish key milestones for the next MPS and because of MSPB IT infrastructure outage.	
FY 2016	This goal was not rated. It has been determined that IT resources will be focused on other priorities so this performance goal will be discontinued effective in FY 2017.	

Management Objectives

Management Objective M1: Lead & manage employees to ensure a diverse, inclusive, and engaged workforce with competencies to perform MSPB's mission and support functions.

Results and Targets: This objective was SUBSTANTIALLY MET. The percent agreement on 2016 FEVS questions related to workforce competencies was 11 absolute (79-68) percentage points below the percent agreement from 2015, thus this target was not achieved. We suspect this decrease was primarily due to the departure of several highly skilled and experienced employees during 2016. The FY 2016 result for percent agreement with diversity questions on the Federal Employee Viewpoint Survey (FEVS or EVS) was 67 percent, which was 4 absolute (71-67) percentage points lower than the 2015 level, but within the targeted range. The percent agreement with inclusions questions from the 2016 MSPB Internal Survey (IS) was 1 absolute percentage point higher than the 2015 level, and within the targeted range. The percent agreement with engagement questions on the 2016 FEVS was 5 absolute percentage points (74-69) below the level in 2015, and within the targeted range. The decreases in the competency and engagement measures may have also been related to the primary and residual impact of the IT outage in June 2015. MSPB developed a draft strategic human capital plan to address its most critical workforce issues. The focus was to ensure MSPB has the workforce necessary to achieve the performance goals under the human capital objective taking into account the external factors and internal management challenges we face.

Chairman Susan Tsui Grundmann departed MSPB effective January 7, 2017. On January 8, 2017, Board Member Mark A. Robbins assumed the authorities and responsibilities vested in the Chairman. On January 23, 2017, President Donald J. Trump designated Mark Robbins as Vice Chairman of MSPB. With two Board Member vacancies, MSPB lacks a quorum, which prevents the issuance of PFR and other HQ decisions and the publication of merit system studies reports. The lack of a quorum and its resulting effects on MSPB agency performance could also affect workforce indicators generally, including employee perceptions of competencies, diversity, inclusion, and especially engagement. Even so, MSPB will retain the FY 2017 and FY 2018 targets for these measures to be within 5 absolute percent of the scores in the previous year.

Performance Goal M1-1: Ensure MSPB's workforce has competencies needed to perform its mission.			
Measure: Percent employees who report that they and others in the workforce have the appropriate competencies needed to perform MSPB's mission on the FEVS.			
Results		Targets	
FY 2012	2012 FEVS Comp. Average = 68%	FY 2016	Maintain competency agreement within 5% pts from previous year.

FY 2013	2013 FEVS Comp. Average = 63%	FY 2017	Maintain competency agreement within 5% pts from previous year.
FY 2014	2014 FEVS Comp. Average = 64%	FY 2018	Maintain competency agreement within 5% pts from previous year.
FY 2015	2015 FEVS Comp. Average = 79%		
FY 2016	2016 FEVS Comp. Average = 68%		

Performance Goal M1-2: Maintain positive perceptions of diversity and inclusion by MSPB employees.

Measure: Average percent agreement on diversity (FEVS questions) and workplace inclusion questions (Internal Survey questions).

Results		Targets	
FY 2012	Conducted several events and MSPB Unity Day with activities designed to improve understanding of diversity and inclusion. 2012 FEVS Diversity Average = 66% 2012 FEVS Inclusion Average = 67% 2012 IS Inclusion Average = 73%	FY 2016	Maintain diversity and inclusion within 5% pts from previous year.
FY 2013	Conducted 9 diversity awareness events designed to improve inclusion and understanding of diversity. 2013 FEVS Diversity Average = 72% 2013 FEVS Inclusion Average = 65% 2013 IS Inclusion Average = 75%	FY 2017	Maintain diversity and inclusion within 5% pts from previous year.
FY 2014	Held events or issued information about numerous diversity/inclusion topics; held Unity Day with six different sessions; supervisors completed mandatory training on ADR and reasonable accommodation; issued revised Anti-Harassment Policy and Procedures. 2014 FEVS Diversity Average = 61% 2014 IS Inclusion Average = 77%	FY 2018	Maintain diversity and inclusion within 5% pts from previous year.
FY 2015	2015 FEVS Diversity Average = 71% 2015 IS Inclusion Average = 77%		
FY 2016	2016 FEVS Diversity Average = 67% 2016 IS Inclusion Average = 78%		

Performance Goal M1-3: Strengthen and maintain employee engagement and address engagement issues identified in the EVS.

Measure: Average percent agreement on EVS engagement questions.

Results		Targets	
FY 2012	Employee engagement was discussed in Chairman's all-hands meeting and individual office briefings by the Executive Director (ED) & Performance Improvement Officer (PIO). An engagement ombudsman was appointed to track agency engagement efforts; Executive Committee subcommittees established and began work. 2012 FEVS Engagement = 68%	FY 2016	Maintain engagement within 5% points from previous year.

FY 2013	Small group of agency leaders (ED, OEEEO, GC, CB, PIO) established to review survey results and recommend appropriate actions; most subcommittee recommendations were approved and implemented or were under development (e.g., 'Kudos' page, & Languages of Appreciation training for leaders and supervisors); MSPB IdeaScale Community implemented to improve the suggestions process; will use EVS scores because 2012 EVS & IS scores were consistent; 2013 FEVS Engagement = 68%	FY 2017	Maintain engagement within 5% points from previous year.
FY 2014	2014 FEVS Engagement = 62%	FY 2018	Maintain engagement within 5% points from previous year.
FY 2015	2015 FEVS Engagement = 74%		
FY 2016	2016 FEVS Engagement = 69%		

Management Objective M2: Manage budget and financial resources and improve adjudication efficiency to ensure necessary resources now and in the future.

Results and Targets: This objective was MET. The percent of funded positions that were vacant more than six months was 8.7 percent, within 10 percent of the target of 8 percent or fewer. The FY 2017 and 2018 targets for percent of vacant funded positions are retained at 8 percent or fewer. In FY 2016, we took several actions to stabilize the IT infrastructure and submitted personnel actions to ensure we have the IT business analytic and other technological expertise to support IT functions, including determining next steps in planning for and acquiring an e-Adjudication capability. In FY 2017, we will develop requirements for the next generation of core adjudication business applications, and continue that progress in FY 2018.

Performance Goal M2-1: Develop fully-justified budgets & ensure resource accountability			
Measure: Percent of funded positions vacant at the end of each month, averaged over the year.			
Results		Targets	
FY 2012	6% of 226 funded positions vacant, averaged over 12 months.	FY 2016	8% or fewer of funded positions vacant averaged over 12 months.
FY 2013	12% of 226 funded positions vacant, averaged over 12 months.	FY 2017	8% or fewer of funded positions vacant averaged over 12 months.
FY 2014	12% of funded positions vacant, averaged over 12 months. MSPB will use the percent of funded positions vacant at the end of each month, averaged over 12 months as the measure for this performance goal; targets for 2015-2016 set as indicated.	FY 2018	8% or fewer of funded positions vacant averaged over 12 months.
FY 2015	4% of funded positions vacant, averaged over the 12 months (including temporary hires).		
FY 2016	8.7% of funded positions vacant, averaged over the year.		

Performance Goal M2-2: Improve efficiency of adjudication case processing.			
Measure: Proportion of cases processed entirely electronically.			
Results		Targets	
FY 2012	Interim indicators: 55% of initial appeals and 56% of pleadings filed electronically.	FY 2016	Assess e-Adjudication and electronic record-keeping requirements due to the IT outage, recent data breaches in other agencies, and potential changes in Federal IT procurement and security requirements and consider how to ensure sufficient resources and expertise to support e-Adjudication, and determine next steps in acquiring this critical agency capability.
FY 2013	Interim indicators: 47% of initial appeals and 66% of pleadings filed electronically.	FY 2017	Develop requirements for the next generation of MSPB core business applications, including those to support e-Adjudication.
FY 2014	Interim indicators: 55% of initial appeals and 83% of pleadings were filed electronically. Furlough cases were processed electronically in selected regional offices, 37 PFRs of furlough cases were filed electronically, and one furlough Board decision was filed electronically with the Court. An RFI for e-Adjudication was drafted.	FY 2018	Select and begin to implement the next generation of MSPB core business applications, including those to support e-Adjudication.
FY 2015	Interim indicators: 56% of initial appeals and 80% of pleadings were filed electronically. RFI on e-Adjudication was issued. Guidance on archiving electronic case files was issued. A timeline for expanding e-case files and implementing mandatory e-filing for agencies and representatives was developed. Timeline and project has been suspended as a result of the IT outage in June 2015.		
FY 2016	Interim indicators: 61% of initial appeals and 81% of pleadings were submitted electronically. Reinstated meetings on e-Appeal enhancements and e-Adjudication, and expanded e-Case Files (ECFs) Pilot to the Board's Denver Office. Implemented new e-Appeal servers, upgraded the e-Appeal Adobe LiveCycle and Active PDF document conversion/assembly software. Developed and implemented ECF marking capability and documentation in Quick Case and Law Manager and conducted training. Submitted personnel actions to support adding IT business analysis and other skills to help ensure expertise needed for IT functions including e-Adjudication.		

Management Objective M3: Manage information technology and information services programs to support agency mission and administrative functions and implement modernization initiatives.

Results and Targets: In FY 2016, this objective was MET. In FY 2016, MSPB stabilized the IT infrastructure (hardware, software, applications, network, systems, processes, and expertise) by implementing a cloud backup service for Microsoft OneDrive and an isolated test environment; monitoring nightly backups; upgrading network hardware in many locations; and beginning a new IT Testing Group (ITTG) to test new technology and applications. MSPB performed the IT and information services actions needed to ensure achievement of the FY 2016 targets for other agency performance goals including a new case processing report (performance goals (PG) 1A-1), an automated customer selection and invitation process for initial appeals and ADR customers (PGs 1A-3 and 1A-6), assisted in obtaining third party security review and Authority to Operate (ATO) for the MPS 2016 (PG 1C-3), and made progress on e-Adjudication (see PG M2-2). We eliminated the goal to obtain feedback from our web users because we do not anticipate having the resources to make improvement to the website in the near future (PG 2C-3). We added a management goal (PG M3-4) to obtain feedback from external e-Appeal customers because it is a significant externally-facing application for our adjudication function.

We considered the effects and aftermath of the IT incident, changes in Governmentwide IT procurement and security requirements, electronic records requirements, survey requirements, and modernization requirements (under Objectives M2 and 1C), to support adding IT/Information services expertise among the priorities in the strategic human capital management plan. We adjusted the performance goals, measures, and targets under this objective to emphasize availability and reliability of IT infrastructure (PG M3-1) and overall satisfaction with internal customer support services (PG M3-3). Both will be measured by average percent agreement with relevant questions in the Internal Survey, which was edited in FY 2016 to cover these issues more thoroughly. We retained the measure of percent of internal and external help-desk tickets closed, but will emphasize user agreement with ticket closure (PG M3-2). The FY 2017 targets for PGs M3-1 and M3-3 will be to retain average percent agreement within 5 percentage points from the FY 2016 result. In FY 2017, we will continue to use the cSupport system emphasizing closure with customer agreement, and begin planning for implementation and improved transparency of the new iSupport help desk ticket system (PG M3-2). In FY 2017, we will also begin the process of developing and testing an automated survey for e-Appeal users (PG M3-4). The FY 2018 targets for the performance goals under this objective are to be determined based on FY 2017 results.

Performance Goal M3-1: Ensure availability of IT applications and systems. In FY 2017, this will be changed to read “Ensure availability and reliability of MSPB IT systems, hardware, and applications.”

Measure: Average percent unscheduled key system downtime (and related cost of lost work) at HQ and regional and field offices (including network, Office 365, public website, e-Appeal, DMS, CMS/Law Manager, Phone, and VTC, etc.) In FY 2017, this measure will be changed to “Average percent agreement with relevant questions on the MSPB Internal Survey (IS).”

Results		Targets	
FY 2012	Prioritized systems to make tracking unscheduled downtime more meaningful and manageable; redesigned MSPB data center to minimize electrical, temperature, and cabling issues; procured disaster recovery site (not yet operational).	FY 2016	Enhance and strengthen the IT infrastructure, and perform the IT and information services actions needed to ensure achievement of performance goals (1A-1, 1A-3, 1A-6, 1C-3, 2B-1, 2C-3 and M2). We will also consider internal and external factors to ensure adequate resources and expertise for current operations and modernization initiatives to support MSPB mission and administrative functions, and assess and adjust goals, measures, and targets to account for IT and information services operations and performance accurately and effectively.
FY 2013	Average unscheduled downtime for key systems was 0.48%.	FY 2017	Maintain average percent agreement within 5% pts of the previous year.
FY 2014	Average unscheduled downtime for key systems was 1.13%.	FY 2018	TBD based in FY 2017 results.
FY 2015	Although the target for average unscheduled downtime was met, MSPB experienced a significant disruption in its IT infrastructure resulting in the loss of the virtual environment and permanent loss of significant number of employees working and archived documents.		
FY 2016	Implemented cloud backup service for Microsoft OneDrive and an isolated test environment; monitoring nightly backups; upgraded network hardware in many locations; began new IT Testing Group (ITTG) to test new technology and applications; assessed and adjusted M3 goals, measures, and targets for FY 2017 and beyond to take advantage of Internal Survey data for measure related to availability and reliability of IT infrastructure and internal customer satisfaction with IT service. Necessary IT actions were taken to achieve the targets listed for PGs 1A-1 (new Law Manager report), 1A-3, 1A-6, 1C-3, 2B-1, and 2C-3 (goal discontinued). The need for IT/Info Services expertise was among the priorities in the Strategic Human Capital Plan (draft) submitted to agency leadership.		

Performance Goal M3-2: Ensure effective customer support for internal and external IT customers. In FY 2017, this will be reworded to read “Ensure effective and efficient resolution of internal and external help-desk tickets.”

Measure: Proportion of internal and external IT help desk tickets resolved within required service level agreement (SLA) (cSupport ticketing system) and with agreement of the customer.

Results	Targets
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FY 2012	92% of all tickets were resolved within SLA. (97% (3412/3502) of external tickets and 81% (2403/2870) of internal tickets).	FY 2016	Enhance and strengthen the IT infrastructure, and perform the IT and information services actions needed to ensure achievement of performance goals (1A-1, 1A-3, 1A-5, 1C-3, 2B-1, 2C-3 and M2). We will also consider internal and external factors to ensure adequate resources and expertise for current operations and modernization initiatives to support MSPB mission and administrative functions, and assess and adjust goals, measures, and targets to account for IT and information services operations and performance accurately and effectively.
FY 2013	94% of all tickets were resolved within SLA. (98% (6097/6234) of external tickets and 87% (2334/2677) of internal tickets).	FY 2017	Continue use of cSupport system with emphasis on closure with customer agreement; Begin plan to implement and improve transparency of new iSupport ticket system
FY 2014	92% (10,712/11,621) of all tickets were resolved within SLA.	FY 2018	TBD based on FY 2017 results.
FY 2015	Although help desk tickets were resolved within SLA (85%), the IT outage resulted in the loss of the IT virtual environment and the permanent loss of a significant number of employees' working and archived documents.		
FY 2016	Implemented cloud backup service for OneDrive and an isolated test environment; monitoring nightly backups; upgraded network hardware in many locations; began new IT Testing Group (ITTG) to test new technology and applications; assessed and adjusted M3 performance goals, measures, and targets for FY 2017 and beyond to take advantage of Internal Survey data for measure related to availability and reliability of IT infrastructure and internal customer satisfaction with IT service. Necessary IT actions were taken to achieve the targets listed for PGs 1A-1 (new Law Manager report), 1A-3, 1A-6, 1C-3, 2B-1, and 2C-3 (goal discontinued). The need for IT/Info Services expertise was a priority in the Strategic Human Capital Plan (draft) submitted to agency leadership.		

Performance Goal M3-3: Ensure satisfaction with internal IT support and services.

Measure: Average percent agreement on relevant Internal Survey questions.

Results		Targets	
FY 2016	New performance goal in FY 2017	FY 2017	TBD based in FY 2016 IS results.
		FY 2018	TBD based on FY 2017 results.

Performance Goal M3-4: Ensure e-Appeal Online meets customer needs.			
Measure: Average percent agreement on automated e-Appeal customer survey questions.			
Results		Targets	
FY 2016	New performance goal in FY 2017	FY 2017	Develop and test an automated survey for e-Appeal users.
		FY 2018	TBD based on FY 2017 results.

Management Objective M4: Ensure individual and workplace safety and security.

Results and Targets: This objective was MET. The FY 2016 percent agreement was 85 percent on the safety and security questions from the Internal Survey, which was within the targeted range of plus or minus 5 percent from the previous year. The FY 2017 and 2018 targets will remain at within 5 percent of the previous year's results.

Performance Goal M4-1: Offices, employees, and visitors are safe and secure from internal and external natural or man-made threats or emergencies.			
Measure: Average percent of MSPB employees who agree with questions on the IS about their preparedness to ensure safety and security.			
Results		Targets	
FY 2012	Established a Safety and Security Subcommittee of the Executive Committee based on IS results and recent security issues; developed an interim emergency protocol; all employees completed required Workplace Security Awareness training; rewrote Continuity of Operations Plan (COOP) and participated in Eagle Horizon exercise; conducted shelter-in-place drill. 2012 IS Average agreement = 72%.	FY 2016	Maintain percent agreement within 5% of the previous year's results.
FY 2013	Trained all employees on Active Shooter and Workplace Violence Awareness; implemented Visible Visitor badge program; conducted earthquake and shelter-in-place drills; updated and briefed COOP to all offices. 2013 IS Average Agreement = 78%.	FY 2017	Maintain percent agreement within 5% of the previous year's results.
FY 2014	2014 IS Average Agreement = 89%.	FY 2018	Maintain percent agreement within 5% of the previous year's results.
FY 2015	2015 IS Average Agreement = 87%.		
FY 2016	2016 IS Average Agreement = 85%.		

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Means and Strategies Needed to Accomplish Our Objectives

MSPB will use the means and strategies delineated in its Strategic Plan for FY 2017-2018 (as revised).

Strategic Goal 1

Strategic Objective 1A: Provide understandable, high-quality resolution of appeals, supported by fair and efficient adjudication and alternative dispute resolution.

1. Provide effective, efficient, and appropriately transparent adjudication of appeals in our regional and field offices and at headquarters.
2. Effectively and efficiently implement changes in adjudication and reporting of cases in accordance with changes in statute, regulation, or policy (e.g., the Veterans Access, Choice, and Accountability Act of 2014, and the Whistleblower Protection Enhancement Act of 2012 (Pub. L. No. 112-199)).
3. Examine and assess current adjudication and agency records management processes, and IT infrastructure, applications, resources and expertise to develop requirements and a plan for updating our core adjudication business applications. (Also a strategy for M2 and M3.)
4. Ensure adequate adjudication expertise and capacity through strategic workforce planning.
5. Ensure continuity of legal expertise in legal and procedural issues through effective and efficient knowledge sharing and appropriate legal training of adjudication staff.
6. Review Board and Court decisions, share significant changes with stakeholders, and determine and implement necessary changes to adjudication processes and procedures.
7. Monitor performance and ensure accountability for the adjudication process, the quality of adjudication decisions, timeliness of case processing, and customer satisfaction with the appeals process, within available resources.
8. Provide effective and impartial ADR services (including settlement and mediation) to meet the needs of the involved parties.
9. Ensure effective representation of MSPB in cases brought before other adjudicatory bodies, such as the U.S. Court of Appeals for the Federal Circuit and the U.S. Supreme Court.
10. Implement and maintain an automated process to sample and invite feedback from adjudication and ADR customers with electronic input to a secure, cloud-based survey capability, or other electronic survey capability. (Also a strategy for 1C and M3.)

Strategic Objective 1B: Enforce timely compliance with MSPB decisions.

1. Provide effective and efficient processing of requests for enforcement of MSPB decisions and improve the transparency of the enforcement process at HQ.

Strategic Objective 1C: Conduct objective, timely studies of the merit systems and Federal human capital management issues.

1. Conduct independent, objective, and timely studies of the Federal merit systems and Federal management issues and practices consistent with accepted scientific research practices.
2. Periodically conduct a transparent process to develop and update the merit systems studies research agenda that includes feedback from studies stakeholders and customers. (See the recently published merit systems studies [research agenda](#) for FY 2015-2018.)

3. Expeditiously and appropriately report findings and recommendations from merit systems studies that provide value to the President, Congress, Federal human resources (HR) policy-makers, practitioners, and other stakeholders and that positively impact the merit systems and Federal human capital management. While MSPB lacks a quorum of Board members and thus cannot issue reports of merit system studies, MSPB will convey important findings and information from the conduct of studies through other means.
4. Publish *Issues of Merit* newsletter editions, research highlights, Noteworthy articles, and other products that provide timely, focused information about Federal merit systems and workforce management issues.
5. Obtain and maintain a survey capability with flexible survey design and administration that will operate Governmentwide in a secure, cloud-based environment to conduct research surveys, interrogatories, and other similar data gathering tools to support MSPB's merit systems studies mission, and automated customer service and customer satisfaction surveys required for agency performance goals. (Also a strategy for 1A and M3.)
6. Administer periodic Merit Principle Surveys (MPS), and other specialized surveys to assess and report on the overall health of the Federal merit systems, practice and understanding of merit in the workplace, and occurrence of PPPs, and support the studies research agenda.
7. Ensure MSPB has the analytic workforce needed to conduct high-quality objective studies, ensure the value and impact of study findings and recommendations, and perform essential program evaluation responsibilities through strategic workforce management of the studies and program evaluation staff.

Strategic Objective 1D: Review and act upon the rules, regulations, and significant actions of OPM, as appropriate.

1. Maintain the review of OPM rules, regulations, and significant actions and take action, as appropriate, to ensure adherence to MSPs and avoidance of PPPs.
2. Publish the MSPB Annual Report including a review of OPM's significant actions.

Strategic Goal 2

Strategic Objective 2A: Inform, promote, and/or encourage actions by policy-makers, as appropriate, that strengthen Federal merit systems laws and regulations.

1. Translate and deliver information from adjudication, merit systems studies, and OPM review into products designed to inform and influence actions by policy-makers that will support merit, improve adherence to MSPs, and prevent PPPs.
2. Track citations of and references to MSPB's work in professional, academic, trade, and media publications (print and electronic) to ensure information about MSPB's work in protecting merit is disseminated appropriately.

Strategic Objective 2B: Support and improve the practice of merit, adherence to MSPs, and prevention of PPPs in the workplace through outreach.

1. Translate information from adjudication, merit systems studies, and OPM review into outreach and other products designed to inform and influence actions by practitioners and other stakeholders that will improve adherence to MSPs, prevent PPPs, improve the understanding of a merit-based civil service or knowledge of MSPB, its functions and processes.

2. Conduct outreach activities within available resources (e.g., conference presentations, practitioner forums, briefings, etc.) designed to improve the practice and understanding of merit, MSPs and PPPs, and that provide value to participants.
3. Consider a centralized catalog of presentations and the electronic, web-based delivery of outreach presentations to improve efficiency of outreach and reduce travel costs.
4. Update and maintain an effective process for tracking outreach events, including when MSPB presents material that results in Continuing Legal Education (CLE)/Continuing Education Unit (CEU) credits to audience members, and supporting effective audience feedback to improve outreach effectiveness.

Strategic Objective 2C: Advance the understanding of the concepts of merit, MSPs, and PPPs, through the use of educational standards, materials, and guidance established by MSPB.

1. Develop and make available educational standards, materials, and guidelines on merit, MSPs, PPPs, and the merit-based civil service to ensure excellent Government service to the public.
2. Develop and make available information and materials about MSPB's adjudication processes, outcomes, and legal precedents to support the parties' ability to prepare and file thorough and well-reasoned cases with MSPB.
3. Encourage agencies to use MSPB's educational standards, materials, and guidelines to implement educational programs for Federal employees and the public by recognizing agencies' merit systems educational efforts on MSPB's website, or in MSPB publications.
4. Develop and make MSPB products and educational information widely available through the website, social media outlets, and other appropriate avenues.
5. Maintain the MSPB website to ensure content is current and that usage levels meet targets.

Management Objectives

Management Objectives M1: Lead & manage employees to ensure a diverse, inclusive, and engaged workforce with the competencies to perform MSPB's mission and support functions.

1. Hire and retain a diverse and highly qualified legal, analytic/research, and administrative workforce that can effectively accomplish and support MSPB's knowledge-based work.
2. Provide employee orientation, on-the-job training, and other developmental and training experiences to ensure employees have the competencies necessary to perform MSPB's work, within budget constraints.
3. Use results from the Federal Employee Viewpoint Survey, Internal Survey, and MSPB IdeaScale Community, and apply leadership and management skills to strengthen and maintain a culture to support a diverse, inclusive, and engaged workforce.
4. Consider the external factors and internal management challenges that may affect MSPB's mission and operations, and initiate and maintain a sustained strategic human capital planning process to consider MSPB's most critical human capital requirements needed to achieve its mission and support functions and achieve its human capital management objectives.

Management Objective M2: Manage budget and financial resources and improve adjudication efficiency to ensure necessary resources now and in the future.

1. Establish and communicate agency priorities to ensure achievement of agency objectives.
2. Use people and budgetary resources effectively and efficiently to ensure adequate staff are available and prepared to accomplish our goals and provide value.
3. Communicate justification of resources (funds, people, operational requirements, and contingencies) necessary to accomplish MSPB objectives (mission and support) including how resource levels, external factors, and internal management challenges may impact MSPB performance.
4. Ensure access to and encourage increased use of e-Appeal Online; and continue to improve efficiency by shifting from paper-based work processes and products to automated electronic work processes and products.
5. Examine and assess current adjudication and agency records management processes, and IT infrastructure, applications, resources and expertise to develop requirements and a plan for updating our core adjudication business applications. (Also a strategy for 1A and M3.)

Management Objective M3: Manage information technology and information services programs to support agency mission and administrative functions and implement modernization initiatives.

1. Develop, implement, and maintain stable and secure IT infrastructure (hardware, software, applications, processes, and systems) and information services programs, with sufficient resources and expertise (including but not limited to privacy officer, IT security and network administration, and records administration), to support effective and efficient MSPB adjudication, enforcement, studies, OPM review, and management functions.
2. Examine and assess current adjudication and agency records management processes, and IT infrastructure, applications, resources and expertise to develop requirements and a plan for updating our core adjudication business applications. (Also a strategy for 1A and M2.)
3. Obtain and maintain a future survey capability with flexible survey design and administration that will operate Governmentwide in a secure, cloud-based environment to conduct research surveys to support MSPB's merit systems studies mission, and automated customer service and customer satisfaction surveys required for agency performance goals. (Also related to strategies for 1A and 1C.)
4. Begin and maintain an automated process to sample and invite customers to provide feedback required for agency performance goals with input to the new secure survey capability or another automated survey application. (Also a strategy for 1A.)
5. Ensure effective and efficient support of internal and external IT customers.
6. Plan for and implement migration of our data center to the cloud.

Management Objective M4: Ensure employee and workplace safety and security.

1. Develop policies and practices, educate and train MSPB employees, and conduct appropriate drills to ensure all know their roles in ensuring employees, visitors, and the workplace are secure from natural and man-made threats to safety and security.

Trends and Challenges that May Affect Agency Performance

Significant External Trends and Issues

The most significant external trends or issues affecting MSPB's ability to carry out its mission to protect the Federal merit systems include changes in law and jurisdiction, budget, workforce reshaping, and retirement eligibility of the Federal workforce. MSPB is committed to performing its functions to the best of its ability and to justifying and requesting only those resources necessary to carry out its statutory responsibilities effectively and efficiently. Budgets for FY 2014-2016 enabled MSPB to rebuild its workforce, address mission requirements, and begin to prepare for the future. If pending legislation does not change MSPB's workload or adjudication complexity, MSPB will require stable and sufficient resources in future years to be able to perform its statutory functions effectively and efficiently. However, additional resources might be needed to meet any new legislative changes to MSPB's adjudication procedures and simultaneously meet potential workload increases caused by other external factors.

Changes in Law and Jurisdiction. Recent changes in law and jurisdiction that have a direct impact on MSPB include the FY 2016 NDAA and the FY 2017 NDAA. Two previous laws, the Veterans Access, Choice, and Accountability Act of 2014 and the WPEA also continued to impact MSPB's appeals processing. More information about the VA law and the WPEA can be found in the MSPB's APR-APP for FY 2015-2017. We focus here on more recent activity and updates to that information.

The FY 2016 NDAA made several changes to the human resources authorities used to manage its civilian employees.⁸ The changes include lengthening the probationary period for new Department of Defense (DOD) employees, making employee performance the most important factor in determining the order of removing employees in a RIF, delaying a within-grade-increase (WIGI) for the period of time the employee is not performing at an acceptable level of competence, and clarifying removals related to suitability determinations. DOD regulations implementing these changes have been recently issued. Processing appeals related to these issues from DOD employees might be a bit more complicated until any changes in legal precedent, if any, are made.

The NDAA for FY 2017 made additional changes in the management of DOD employees, and made changes to the definitions and limits of administrative leave applicable to all Federal employees.⁹ This law also added MSPB appeal rights for approximately 15,000 to 22,000 National Guard military technicians for various actions taken against them when they are not in a military pay status, or when the issue does not involve fitness for duty in the reserve component.¹⁰ The law also repeals the waiver of the 180-day period after retirement before retired members of the armed forces may be appointed to DOD civilian positions. The Administrative Leave Reform Act (§ 1137 of the 2017 NDAA) limits the length of time an agency can place an employee on paid administrative leave to 10 work days in a calendar year, and it defines three new categories of paid leave: "notice leave", "investigative leave", and "weather and safety" leave.¹¹ For the purposes of subchapter II of chapter 12 and section 1221 (individual right of appeal action in reprisal cases), placing an employee on investigative leave for a period of not less than 70 work days shall comprise a personnel action under paragraph (8) or (9) of

⁸ The NDAA for FY 2016, Pub. L. No. 114-92, § 1101 (RIF), § 1105 (probationary period), § 1106 (delay of WIGI), §1086 (suitability adverse actions).

⁹ The NDAA for FY 2017, Pub. L. No. 114-328 § 512 (gives appeal rights to military technicians), §1111 (repeals 180-day waiver).

¹⁰ http://www.actnat.com/docs/2016_December_Technician_Looking_Back_Edition.pdf

¹¹ NDAA for FY 2017, § 1138.

section 2302(b), thus essentially adding to the possible grounds on which an employee might file an appeal based on the PPPs related to whistleblowing.¹²

In FY 2016, MSPB released additional decisions under the Veterans Access, Choice, and Accountability Act of 2014. However, the Department of Justice, in response to a case filed by a VA SES employee with the U.S. Court of Appeals for the Federal Circuit, decided not to defend the constitutionality of a portion of the law related to SES appeals. Subsequently, the VA decided not to use the portion of the law related to actions involving VA SES. Various legislative proposals were introduced in the 114th Congress that would have expanded the VA SES appeals procedures to other VA employees, or to the SES Governmentwide.¹³ We anticipate that many of those or other similar ideas will likely be included in legislation proposed in the 115th Congress. A component of several pieces of proposed legislation is a limitation on the time MSPB adjudicators have to hear these cases and render decisions on them. MSPB's experience with the Veterans' Access, Choice, and Accountability Act of 2014 indicated that MSPB had to allocate significant additional resources, including additional personnel, in order to adjudicate the cases within the 30-day time limit. This delayed the processing of other cases because our employees were reassigned from their case dockets to assist with the time-limited cases.

Finally, the WPEA continues to have an impact on MSPB adjudication primarily by increasing the complexity of such cases, and the number and length of hearings associated with adjudicating whistleblower appeals. In addition, GAO issued a [report](#) on the WPEA in November 2016.¹⁴ MSPB is making changes to its processes for recording and reporting WPEA data in response to issues found and recommendations made in GAO's report. Improvements to FY 2016 WPEA data have been made and these data are contained in Appendix A.

These enacted, proposed, and contemplated changes in law and jurisdiction could impact the merit systems, management of the workforce, and/or MSPB functions or operations directly or indirectly. Such changes are likely to affect MSPB's appeals workload, the complexity of cases it adjudicates, the need for changes in MSPB procedures, and the need for additional MSPB resources, as we have experienced in years past.

Changes in law and jurisdiction also emphasize the importance of MSPB's responsibility to conduct studies of Federal merit systems and exercise its statutory authority to review the significant actions of the U.S. Office of Personnel Management to ensure the Federal workforce continues to be managed in accordance with MSPs and free from PPPs. These changes also increase the importance of MSPB's responsibility to promote merit and educate employees, supervisors, managers, and leaders on the merit systems, MSPs, PPPs, and MSPB appellate procedures, processes, and case law. These outreach and educational functions improve workforce management over time and may reduce the time and cost of processing appeals for agencies, appellants, and the Government. MSPB will continue to track Congressional activity and will use its body of legal precedent and objective research findings to assess and identify the potential impact of changes in civil service law on MSPB's operations and mission.

¹² 5 U.S.C. § 2302(b)(8) provides protections for whistleblowing, and (b)(9) provides protections for the exercise of or participation in an appeal, complaint, or grievance procedure or refusing to obey an order that would require violation of law.

¹³ Under the [Veterans Access, Choice, and Accountability Act of 2014, Pub. L. No. 113-146](#).

¹⁴ Government Accountability Office, Whistleblower Protection: Additional Actions Would Improve Recording and Reporting of Appeals Data ([GAO-17-110](#)), November 2016.

Budget and Workforce Reshaping. On March 13, 2017, the Administration issued a *Presidential Executive Order on a Comprehensive Plan for Reorganizing the Executive Branch*.¹⁵ OMB followed with implementing guidance on April 12, 2017, titled a “Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce.”¹⁶

Some of the actions taken by agencies as part of these reform efforts are likely to be a factor in MSPB workload. Workforce reduction actions can result in adverse actions affecting Federal employees, and affected employees may file appeals of those actions with MSPB. For example, Governmentwide budget sequestration in 2013 led to tens of thousands of furloughs of Federal employees, which, in turn, led to a huge increase in the number of appeals filed with MSPB. RIF actions, and some cases involving VERA or VSIP are also appealable to MSPB. Historical trends indicate that increasing RIFs would lead to an increase in the number of appeals filed to MSPB, and RIF appeals are generally more complex than some other types of appeals. Workforce reshaping may also effect workforce management, employee engagement and employee effectiveness. It is important to maintain strong MSPB’s merit systems studies and OPM review functions to help ensure the workforce continues to be managed under the MSPs and avoids PPPs. Indeed, the OMB memo references several MSPB merit systems study reports, which provide information useful to agencies as they implement changes to achieve the memo’s objectives.

Retirement Eligibility of the Federal Workforce. For many years, the proportion of Federal employees who are eligible to retire has been increasing. According to a 2014 GAO report, the proportion of retirement-eligible Federal employees is increasing and by September 2017, nearly 600,000 (about 31 percent) will be eligible to retire Governmentwide.¹⁷ Although Federal employees usually do not retire immediately when they become eligible,¹⁸ OPM data indicate that between 2012 to 2014, an average of over 35,000 more employees were added to the retirement rolls each year than the average added each year between 2009 to 2011.¹⁹ In a later report, OPM found that from 2006 to 2015, executive branch retirement increased by 8.1 percent (60,253 to 65,107).²⁰ It is interesting to note that in FY 2014, the Federal civilian workforce had a higher proportion of employees who are 50 and older (44.5 percent) than the U.S. civilian workforce had (33.5 percent).²¹ Therefore, although we do not necessarily predict a dramatic rise in Federal retirements, retirement eligibility in the Federal civil service must continue to be monitored.

As retirements increase, for whatever reasons, we expect to see an increase in retirement appeals. Indeed, from 2011 to 2015, MSPB has had slight increases each year in the number of retirement initial appeals received. The number of retirement claims filed with MSPB dropped in FY 2016. However, recently published research indicates that retirements increase in the first three years of a new Administration.²² OPM’s backlog of retirement claims varies considerably, but it generally

¹⁵ <https://www.whitehouse.gov/the-press-office/2017/03/13/presidential-executive-order-comprehensive-plan-reorganizing-executive>

¹⁶ <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2017/M-17-22.pdf>

¹⁷ Government Accountability Office, Federal Workforce: Recent Trends in Federal Civilian Employment and Compensation ([GAO-14-215](#)), January 2014.

¹⁸ Federal News Radio, [Feds ride the money, benefits wave longer than expected](#), April 29, 2015.

¹⁹ Office of Personnel Management, [Retirement Statistics](#) (for 2000-2013) and data by email for 2014.

²⁰ [Office of Personnel Management, Executive Branch Retirement Statistics: Fiscal Years 2006 – 2015](#), March 2016.

²¹ Government Accountability Office, Federal Workforce: Lessons Learned for Engaging Millennials and Other Age Groups, [GAO-16-880T](#) (September 29, 2016).

²² Bolton, A., Figueiredo, J.M., and Lewis, D., National Bureau of Economic Research working paper, [Elections, Ideology, and Turnover in the U.S. Federal Government](#) (December 2016), and also the same authors published in Harvard Business Review, [Will Federal Employees Work for a President They Disagree With?](#), February 2017.

has decreased since 2012, thus increasing the number of retirement decisions that may be appealable to MSPB.²³

Internal Management Challenges

The most significant issues and challenges affecting MSPB's ability to carry out its mission to protect the Federal merit systems include human capital issues and information technology stability, security and modernization. MSPB's enacted budgets for FY 2014-2016 enabled it to rebuild and retain its workforce, address mission requirements, and begin to prepare for the future. MSPB began a sustained strategic human capital planning process in FY 2016 focused on its most critical human capital requirements that will help ensure it has stable and sufficient resources to perform its statutory functions effectively and efficiently. MSPB is also focused on ensuring it has the IT infrastructure and the IT and information services expertise to execute its mission and modernize its systems including implementing e-Adjudication and obtaining a viable, secure, cloud-based survey capability. These MSPB internal challenges will be considered in MSPB's efforts to address the objectives in the OMB memo on Government Reform and Workforce Reduction.

Human Capital Issues. Even with the increase in positions provided for in the FY 2014-2016 appropriations, nearly 22 percent of MSPB employees, including approximately 27 percent of our permanent AJs who process initial appeals, are eligible to retire in the next two years. MSPB is committed to maintaining the quality of its decisions. MSPB will also continue to process initial decisions, but will not be able to issue decisions from HQ on PFRs, and most other types of cases processed by the Board, due to the lack of a quorum of Board Members. Therefore, the average processing time for HQ appeals will be higher than the target until new Board Members are nominated and confirmed, and thus able to process and vote on the cases that will await them.

MSPB also needs to ensure it has the IT and information services resources and expertise to: ensure a stable and secure IT infrastructure; perform the IT and information services actions needed for agency performance goals; and to effectively implement MSPB's IT modernization efforts, which include e-Adjudication and electronic record-keeping and a secure, cloud-based survey capability. (See additional information about the status of MSPB's IT infrastructure and staff in the next section.) MSPB's ability to conduct merit system studies, obtain a survey capability to improve the collection of survey data to support merit system studies, and conduct program evaluation currently is competing for fewer existing analytic resources.

The loss of several long-serving, highly-experienced MSPB employees in 2015 and 2016, along with the primary and residual impacts of the IT outage in 2015 likely contributed to decreases in employee perceptions of the overall competence of the MSPB workforce as measured by the 2016 FEVS. Several other MSPB employees who hold key leadership positions or who are serving in one-deep critical positions are eligible to retire in the near future. Although MSPB has been able to recruit well-qualified individuals for its adjudicatory and other professional positions, it nevertheless takes 2-3 years for these new staff to reach full performance level. Sustaining critical expertise will be especially difficult during the hiring freeze if we lose employees in one-deep critical positions. MSPB began a sustained strategic human capital planning process to focus on its most critical long-term human capital needs, which include maintaining the pool of newer adjudication employees, planning for continuing the operations of functions performed by employees in one-deep critical positions, and improving the availability of IT expertise. The success of these efforts depends on continued stability in funding for FY 2017 and beyond to retain expertise, improve competencies, sustain employee engagement, continue to improve our processes, and at the same time continue to

²³ Click to see [current retirement claims](#) processing statistics.

perform our statutory and support functions effectively and efficiently. Retaining resources is even more critical given the potential for legislative changes that may affect our adjudication functions, particularly if those changes shorten the timeframes for processing appeals.

Information Technology Stability, Security, and Modernization. We are committed to transitioning to 100 percent electronic adjudication (e-Adjudication) to process cases more efficiently and improve service to our customers. In addition, e-Adjudication will support MSPB's efforts to comply with Governmentwide initiatives involving improving efficiency, effectiveness, accountability, and customer service; Federal paperwork reduction; and records management directives requiring that agencies convert records to electronic format.²⁴ Beginning in FY 2017, we are pivoting away from continuing to customize our existing legacy business applications for case management, document management, and document assembly, each of which is nearing end-of-life. Instead, we will develop comprehensive requirements to identify the "next generation" of MSPB's core adjudication business applications to fully enable e-Adjudication of MSPB appeals (while retaining the option for paper when necessary). In the end, this effort will yield important potential improvements in technology, systems, productivity, and efficiency, and it will require a significant initial investment of resources. The e-Adjudication initiative is a multi-year effort.

MSPB administered the 2016 MPS, essential to providing empirical data to support many projects on the current research agenda. Programming and administration of the MPS required extensive contractor support. Implementing the survey was challenging due to limited internal IT expertise needed to support the survey process and ensure compliance with new and rapidly changing IT security requirements. Meeting these security requirements was necessary to obtain the cooperation and support of the MPS by Federal agencies. This was especially sensitive when millions of their employees had recently experienced breaches of personnel data managed and housed by OPM. Long-term effectiveness of the merit system studies program requires that MSPB have a more stable and flexible capacity to collect survey and other similar data securely in a cloud-based environment. As stated earlier, MSPB's ability to support procurement of such a survey capability, conduct merit system studies, and support program evaluation is competing for fewer existing analytic and IT resources.

MSPB's 2015 and 2016 Internal Survey results provided valuable information about the impact of the IT outage and input from employees on their IT needs and feedback on how we are moving forward with our IT functions. In addition, MSPB moved the program evaluation of its IT function forward in the Program Evaluation Schedule to take advantage of the lessons learned from the IT outage, and the potential changes in Governmentwide IT procurement and security requirements to help ensure we move forward effectively and efficiently (see the Program Evaluation section). Finally, based on internal survey results, and external assessments, MSPB included IT expertise as a critical requirement in its Strategic Human Capital Plan.

²⁴ See <https://www.whitehouse.gov/the-press-office/2011/04/27/executive-order-13571-streamlining-service-delivery-and-improving-customer-service>, <https://www.whitehouse.gov/the-press-office/2011/06/13/executive-order-13576-delivering-efficient-effective-and-accountable-gov>, https://www.whitehouse.gov/omb/fedreg_gpea2/, <https://www.whitehouse.gov/the-press-office/2011/11/28/presidential-memorandum-managing-Government-records>, <https://www.whitehouse.gov/sites/default/files/omb/memoranda/2012/m-12-18.pdf>.

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Program Evaluation and Performance Measurement

Program Evaluation

MSPB programs broadly affect Federal merit systems and Federal management, and they generate significant value for Federal agencies and the public. Effective program evaluation is critical to ensuring that MSPB can continue to achieve its mission effectively and efficiently and to provide value now and in the future. MSPB is committed to high-quality program evaluation. However, ensuring our ability to perform our statutory mission, as well as ensuring compliance with requirements of the GPRAMA and recent program evaluation guidance from OMB, will require increased resources and program evaluation staff.

A relatively small increase in MSPB's program evaluation resources and staff likely will yield a large return in efficiency and cost savings for MSPB. In turn, this will improve the value MSPB brings to agencies, Federal employees, individual parties to cases filed with MSPB, and to the public. If internal program evaluation resources are not available internally, contractor support is a viable option for conducting tasks associated with program evaluations. This option is most useful when the evaluation topic is technical in nature, beyond the scope of knowledge of existing program analytic staff, or when the evaluation is focused on program evaluation itself or on the office within which program evaluation activities are conducted.

Performance Measurement: Verifying and Validating Performance Information

Most quantitative measures of MSPB's adjudication performance come from its automated case management system based in Law Manager, which tracks location, timeliness, information, outcomes and other information about cases filed with MSPB. Other quantitative and qualitative performance measures are reported by MSPB's program offices. MSPB also collects external customer satisfaction data from adjudication, ADR and (more rarely) merit systems studies customers and stakeholders and from internal customers of our administrative programs. Several of MSPB's management performance goals use data from OPM's Federal Employee Viewpoint Survey. MSPB also has an active internal survey program, which is used to measure various management performance goals contained in MSPB GPRAMA reports, and to provide customer feedback and customer service information on internal administrative programs such as IT, information services, human resources, facilities, travel, procurement, and EEO programs.

MSPB made significant performance measurement improvements in FY 2016 that are described below. Even with these improvements, and given the results of the GAO [report](#) on the WPEA (see below) MSPB needs to develop an agency-wide performance measurement policy to improve oversight, accountability, and coordination of performance measurement processes. Such a policy will help ensure the consistency, validity, and verifiability of the performance data that are used to manage MSPB programs and are included in agency reports. MSPB will begin to develop an agency policy for performance measurement in FY 2017.

FY 2016 Improvements in Performance Measurement Processes.

- The process used to measure the percent of initial decisions remanded or reversed on PFR based on error or oversight on the AJ's part was formalized and is now available in a new Law Manager report (performance goal 1A-1). This report can be run for any period of time beginning with FY 2017 data.
- MSPB made significant progress in developing an automated ongoing method to sample and invite participants in its initial appeals adjudication and ADR programs (performance goals 1A-3 and 1A-6). In past years, surveying adjudication customers occurred only every few

years to a select group of appellants, appellant representatives, and agency representatives. This infrequent process was helpful in tracking broad perceptions of these programs at these points in time, but did not provide ongoing customer feedback that could be useful in making more real-time management decisions. This new automated process involved programming an automated sampling and invitation process and development of adjudication, settlement, and mediation customer surveys for appellants, appellant representatives, and agency representatives. (The customer surveys intended for completion by non-Federal employees were approved by OMB under the PRA survey approval process.) The automated process is designed to ensure that appropriate web-based survey links are provided to participants based on the type of adjudication or ADR process used to resolve their cases. The process ensures that appellant representatives and agency representatives are not surveyed more than every 3-6 months, even though they may be involved in MSPB cases more frequently. We anticipate implementing this survey process by the end of the second quarter FY 2017.

- Following the IT outage in 2015, various Governmentwide changes in IT and IT security requirements, data security lapses in other agencies, and results from MSPB's 2015 internal survey, which contained specific questions about the outage and its aftermath, MSPB considered what changes were needed to improve the IT performance goals and measures (under M3). Beginning in FY 2017, MSPB will include new performance goals and measures (based on data from the revised 2016 internal survey) relating to availability and reliability of IT infrastructure (hardware, servers, systems, and applications) and overall customer satisfaction ratings of IT services by MSPB employees. The existing measure for percent of external and internal help desk tickets closed is retained, with the stipulation that tickets are closed only when the customer deems the request completed. An additional goal and measure were added to focus on customer feedback on e-Appeal, our most significant external application.
- Programmed changes to the outreach portion of the Office Calendar to improve the collection and usefulness of outreach data are under final review (PG 2A-1). The final changes will be implemented with the new Office Calendar in FY 2017.
- Changes were made to the internal surveys, especially to the IT and information services sections, to support the new IT measures (M3-1 and M3-3).

Results and Status of Program Evaluation Activity

PFR Process Evaluation. The program evaluation of the PFR process, focused primarily on the process in Office of Appeals Counsel (OAC) for preparing draft decisions for Board Member review was completed in FY 2016. The evaluation results included PFR process model that allows for predicting timeliness given the number of resources, or resources needed to reach a specific timeliness goal, given the number of cases in the inventory and predicted number of incoming cases. When the assumptions used to develop the model (e.g., existing PFR procedures and decisions made by the Board about PFR processing and type of decision, etc.) are still applicable, the model will be helpful for predicting inputs and outcomes of the PFR process under various potential conditions.

GAO assessment of processing WPEA cases at MSPB. Under the WPEA, the GAO was required to evaluate the implementation of the law including changes in the number of cases filed with MSPB, the outcomes of such cases, and other issues. GAO conducted its review during the latter part of FY 2016 and released its final report in November 2016.²⁵ GAO found that MSPB's data for WPEA cases required improvement to ensure the accuracy of reporting whistleblower

²⁵ Government Accountability Office, Whistleblower Protection: Additional Actions Would Improve Recording and Reporting of Appeals Data, GAO-17-110, November 2016.

appeals received and closed. The report recommended that MSPB (1) update its data entry user guide to include additional guidance and procedures, and (2) add a quality check in its data analysis and reporting process to better identify discrepancies. MSPB is beginning the process of implementing these recommendations, and has thoroughly reviewed and corrected the FY 2016 whistleblower data, which are reported in Appendix A.

The GAO report also provides a partial assessment of Law Manager. In addition, MSPB is undertaking an internal assessment of the data entry and data checking processes used for adjudication case management, including, but not limited to whistleblower data. Finally, MSPB's efforts to define the requirements necessary for updating its core adjudication business applications (see below) will include information about Law Manager that will serve as a foundation for updating the data entry user guide and defining appropriate quality checks in the reporting process. Thus, the development of requirements necessary for updating our core adjudication business applications, including an electronic case management system, will serve as a surrogate evaluation of Law Manager (which was scheduled to begin in FY 2016). Beyond that, no specific evaluation of Law Manager as our existing case management system will be performed since it is likely that Law Manager will be replaced with a new core business application in the next two years. In addition, the issues raised in discussions with GAO during their review of the WPEA data emphasized the need to develop and finalize an agency-wide performance measurement policy focused on broad standards and accountability for the verification and validation of performance data.

External IT assessments. Following the IT outage in June 2015, MSPB obtained assessments and recommendations of MSPB's IT infrastructure, operations, staff, and modernization plans by three external companies, Kelyn Professional Services, VMware Professional Services, and Cask LLC. The final reports were delivered on August 14, September 14, and October 30, 2015, respectively, and are posted under the [e-FOIA Reading Room](#) on the MSPB website. The results of these external assessments are relevant to and serve as a foundation for evaluating IRM's program planning and implementation (scheduled to begin in FY 2016). We implemented applicable recommendations from Kelyn and VMware, and completed 60 percent of the recommendations in the Cask report. We continue to follow up on the remaining recommendations. Some of those require substantial effort, e.g., updating our core adjudication business applications.

Define adjudication process/develop requirements for new core adjudication business applications. This activity involves validating the business and technical requirements for these applications, i.e., our case management, document management and document assembly systems, to support e-Adjudication, and developing a prioritized path for upgrades necessary to support our business processes. We began this activity in FY 2017 with the development of a performance work statement to develop our requirements documentation.

Program Evaluation Schedule

Based on the availability of resources, MSPB will continue independent program evaluations of its mission and administrative support programs and assess its performance measurement systems and processes over the next few years. A schedule for these activities in FY 2016-FY 2018 is provided below along with an update on the status of these projects.

MSPB Program Evaluations		
Program/System to Evaluate	Evaluation Start Year	Status
Law Manager case management system	2016	Initial input from GAO report on WPEA, continuing under auspices of defining requirements for new core adjudication business applications and more broadly with a new agency-wide performance measurement policy, including verifying and validating data. MSPB will take steps to make critical changes in Law Manager to ensure implementation of the GAO recommendations. However, further action will await the results of ongoing activities.
IT program planning & implementation (in conjunction with e-Adjudication; moved from 2018 due to IT issues in 2015)	2016	Initial information is contained in external reports by Kelyn, VMware and Cask. Additional information will be provided in conjunction with defining and planning for a new external data center and development of requirements for core adjudication business applications. IT staff expertise was listed as a critical issue in MSPB's Strategic Human Capital Plan. In addition, the internal survey contains some questions relevant to IT program planning and implementation. Next steps in this program evaluation will await results from ongoing activities and direction from the new Chairman.
Case processing in the regional and field offices	2017	Initial information was provided by the GAO WPEA report. Additional information will be provided in the internal assessment of data entry and data entry processes for case management data. Further information will be provided in our efforts to define the adjudication process as part of the initiative to develop requirements for new core adjudication business applications. Results of these efforts will comply with GAO's recommendations from the WPEA report and the development of an agency-wide performance measurement policy. In addition, the automated process for surveying initial appeals adjudication and ADR customers will provide data to inform next steps in this program evaluation. MSPB's adjudication process may also be effected by legislative changes in the appeals process including specific timeliness requirements. Next steps in this program evaluation, including changes in scope, will await results from ongoing activities, changes in legislation, and direction from the new Chairman.
Administrative functions of the Clerk of the Board	2018	This evaluation is not scheduled until FY 2018, and planning will await direction from the new Chairman.

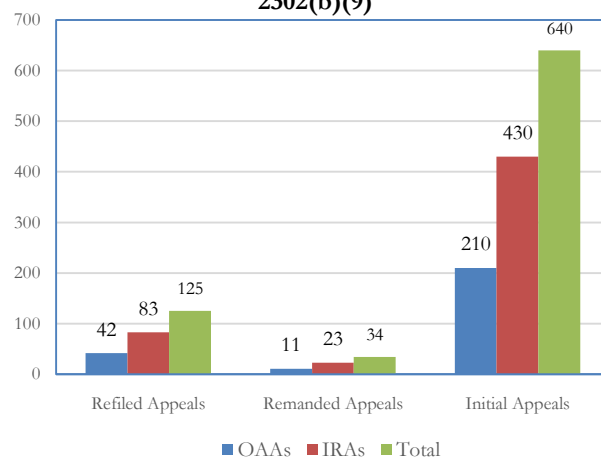
Appendix A: Information about FY 2016 Whistleblower Appeals

In accordance with the Whistleblower Protection Enhancement Act (WPEA) of 2012, MSPB is providing this information about appeals in FY 2016.²⁶ This report reflects cases processed from October 1, 2015, through September 30, 2016, and includes data on receipts and outcomes in appeals and petitions for review in which violations of 5 U.S.C. § 2302(b)(8) and/or 5 U.S.C. § 2302(b)(9)(A)(i), (B), (C), or (D) were alleged.²⁷ Adjudicating appeals is an ongoing process and appeals are often closed in a different year than that in which they were received. Therefore, the figures for cases received (i.e., Figure 1 for appeals and Figure 9 for petitions for review) and outcomes of cases processed (i.e., Figures 3, 6, and 10) in any given year will not be comparable.

There generally are two types of appeals that can involve claims of reprisal under sections 2302(b)(8) and (b)(9). An otherwise appealable action (OAA) appeal involves an adverse action that is directly appealable to the Board, such as a removal, demotion, or suspension of more than 14 days. In such an appeal, both the appealable action and the claim of reprisal for engaging in protected activity as an affirmative defense will be reviewed by the Board. In an individual right of action (IRA) appeal, the individual is subject to a personnel action and claims that the action was taken in reprisal for engaging in protected activity, but the personnel action itself is not one that is directly appealable to the Board (e.g., a reassignment with no reduction in pay or grade).²⁸ In this kind of case, the individual can appeal the claim of reprisal to the Board only if he or she files a complaint with the Office of Special Counsel (OSC) first, and OSC does not seek corrective action on the individual's behalf.²⁹

Figure 1 displays data on the number and types of appeals that MSPB received in FY 2016 in which violations of 5 U.S.C. § 2302(b)(8) and/or (b)(9) were alleged. The number of appeals “received” by a regional or field office fall into 3 categories: initial appeals, remanded appeals, and refiled appeals. “Initial appeals” are new appeals filed

Figure 1: FY 2016 Appeals Received in Regional/Field Offices with Claims Under 5 U.S.C. § 2302 (b)(8) and/or 2302(b)(9)



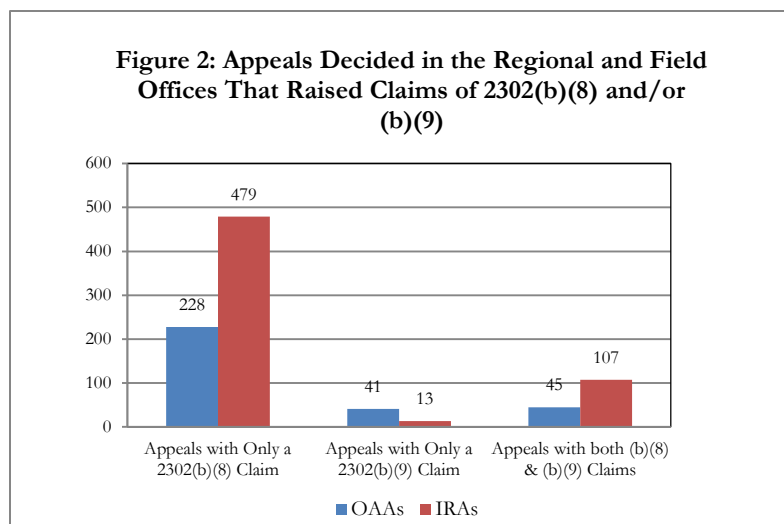
²⁶ On November 28, 2016, the Government Accountability Office (GAO) published a report, GAO-17-110, “Whistleblower Protection: Additional Actions Would Improve Recording and Reporting of Appeals Data,” regarding the WPEA. As part of this engagement, GAO reviewed MSPB’s data pertaining to appeals received and outcomes in appeals that contained an allegation of reprisal for whistleblowing and/or other protected activity. GAO’s final report identified certain weaknesses in MSPB’s recording and reporting of these appeals and made recommendations to improve the quality of the reporting, to which MSPB responded in agreement. As an initial step, we implemented additional levels of review of the FY 2016 data and reviewed and improved our reporting methods for this report. MSPB will continue to review and improve its methods for data collection and reporting throughout FY 2017.

²⁷ This report generally refers to claims raised under section 2302(b)(9); however, this report does not include claims raised under section 2302(b)(9)(A)(ii), as 5 U.S.C. § 1221(a) allows appellants to seek corrective action from MSPB as a result of prohibited personnel practices described only in section 2302(b)(8) or section 2302(b)(9)(A)(i), (B), (C), or (D).

²⁸ In *Agoranos v. Department of Justice* (119 M.S.P.R. 498), the Board explained that an IRA appeal can also seek relief related to a personnel action that could have been appealed directly to the Board, when the appellant knowingly chooses to seek relief from OSC before filing at MSPB.

²⁹ Complaints in IRA appeals go first to OSC for review and, if warranted, an investigation is conducted by OSC. According to OSC, it is during this process that agencies often choose to take corrective action or settle an issue informally before OSC files a case with MSPB. MSPB adjudicates IRA appeals that have had the chance to be resolved while at OSC, but OSC did not seek corrective action.

by an appellant for the first time and thus represent new cases alleging reprisal. “Remanded appeals” are appeals that were previously adjudicated by a regional or field office, but which have been remanded by the Board at MSPB headquarters on petition for review, or by the court on appeal of a final decision of the Board. “Refiled appeals” are appeals that are refiled – by the appellant or on the administrative judge’s own motion – because they were previously dismissed without prejudice to refile. Dismissal without prejudice (DWOP) is a procedural option that allows for the dismissal and subsequent refile of an appeal, often to allow the parties more time to prepare for the litigation of their cases. Remanded or refiled appeals are not new cases; they are separately docketed appeals that are related to initial appeals filed earlier in the same FY or in a prior FY. If the related initial appeal was filed in the same FY, it would be included in the number of “initial appeals.” Because the regional and field offices must process remanded and refiled appeals and issue decisions in these appeals, these appeals are considered part of MSPB’s workload of appeals containing claims under sections 2302(b)(8) and/or 2302(b)(9).



An appellant can file an appeal alleging a violation of section 2302(b)(8) only, a violation of section 2302(b)(9) only, or a violation of both.³⁰ Figure 2 depicts the number of appeals, both OAA appeals and IRA appeals, that were decided in FY 2016 in the regional and field offices and whether the appeal contained (a) a claim(s) under 2302(b)(8) only; (b) a claim(s) under 2302(b)(9) only; or (c) claims under both 2302(b)(8) and (b)(9).

Figure 3 breaks down the totals displayed in Figure 2 for OAA appeals by depicting the outcomes of OAA appeals decided in the regional and field offices in which violations of section 2302(b)(8) and/or (b)(9) were alleged. It is important to note that the outcome of an OAA *appeal* is separate from the outcome of a section 2302(b)(8) or (b)(9) *claim*.³¹ An OAA appeal can be dismissed for a variety of reasons that have nothing to do with the merits of any reprisal claim raised therein. For example, the appeal may be untimely filed, the action or the appellant might be outside the Board’s appellate jurisdiction, or the appellant might have made a binding election to challenge the action in another forum (such as through a negotiated grievance or arbitration procedures). This figure includes appeals that were withdrawn and appeals that were dismissed without prejudice. Cases are settled at the discretion of both parties. Settlement agreements consist of terms acceptable to both parties, thus the agreement resolves the dispute in a way that both parties achieve some positive result.

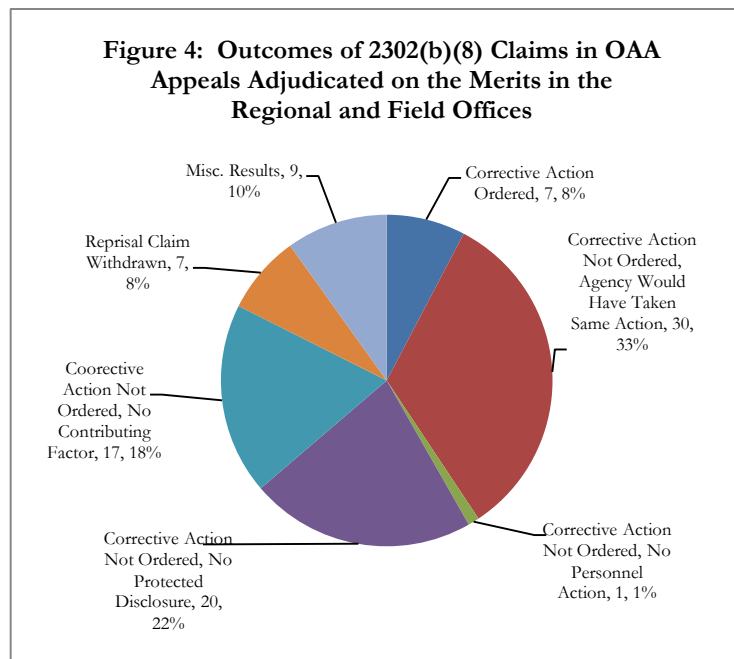
³⁰ Sections 2302(b)(8) and (b)(9) prohibit reprisal against an employee or applicant for employment based on different types of protected activity. Section 2302(b)(8) prohibits reprisal because of any disclosure that the employee or applicant reasonably believes evidences certain enumerated categories of wrongdoing. Employees who allege a violation of (b)(8) are typically referred to as alleging “reprisal for whistleblowing.” Section 2302(b)(9)(A)(i) prohibits reprisal because of the exercise of any appeal, complaint, or grievance right with regard to a violation of section 2302(b)(8). Section 2302(b)(9)(B) prohibits reprisal because of testifying for or otherwise assisting any individual in the exercise of any right under section 2302(b)(9)(A)(i) or (ii). Section 2302(b)(9)(C) prohibits reprisal because of cooperating with or disclosing information to the Inspector General of an agency or the Special Counsel. Section 2302(b)(9)(D) prohibits reprisal for refusing to obey an order that would require the individual to violate a law.

³¹ The WPEA requires MSPB to report outcomes of appeals, however, where possible, MSPB additional reports and summarizes the outcomes of claims.

Figure 3: Outcomes in OAA Appeals Decided in the Regional and Field Offices						
Types of Claim(s) Raised	Dismissed Without Prejudice	Settled	Withdrawn	Dismissed (Other than DWOP)	Adjudicated on the Merits	Total
2302(b)(8) Only	26	27	11	94	70	228
Both 2302(b)(8) & (b)(9)	6	6	3	9	21	45
2302(b)(9) Only	3	12	3	11	12	41

In a case in which an appellant raises both 2302(b)(8) and (b)(9) claims, the outcomes of those claims may differ.³² Therefore, we are reporting the outcome of both (b)(8) and (b)(9) claims for cases in which both claims were raised and the OAA appeal was adjudicated on the merits, as depicted in Figures 4 and Figure 5 below.

Figure 4 displays the resolution of section 2302(b)(8) claims within the 91 OAA appeals³³ adjudicated on the merits in the regional and field offices.³⁴ The outcome of an OAA *appeal* is not necessarily synonymous with the outcome of a reprisal *claim*; therefore, the fact that reprisal is not found in an otherwise appealable action appeal does not necessarily mean that the appellant obtained no relief. For example, in a removal appeal in which the appellant alleges reprisal, the Board could reverse the removal action because the agency failed to prove that the appellant committed the charged misconduct, or it could mitigate the removal penalty, while also finding that the appellant failed to establish reprisal.



In any appeal involving a reprisal claim, the Board shall order corrective action for the reprisal claim if the appellant has demonstrated that: (1) he or she made a protected disclosure; (2) the agency has taken or threatened to take a personnel action against him or her; and (3) his or her protected

³² For example, an appellant may allege that he was removed in violation of section 2302(b)(8) for disclosing to his supervisor his belief that a practice at the agency endangered public health. In the same appeal, the appellant may also allege that he was removed in violation of section 2302(b)(9) for testifying in a coworker's MSPB appeal which involved remedying a violation of 2302(b)(8). In such a case, the appellant may decide to withdraw his 2302(b)(9) claim, but prevail on his (b)(8) claim. Under that scenario, the outcome of the (b)(9) claim would be "withdrawn," whereas the outcome of the (b)(8) claim would be "corrective action ordered."

³³ This figure displays the outcomes of all OAA appeals adjudicated on the merits in which a section 2302(b)(8) claim was raised. Thus, it includes both the 70 OAA appeals adjudicated on the merits with a section 2302(b)(8) claim only, as well as the 21 OAA appeals adjudicated on the merits with both section 2302(b)(8) and (b)(9) claims, as referenced in Figure 3.

³⁴ This figure also includes a category of Miscellaneous Results, which represents OAA appeals that were adjudicated on the merits but where the section 2302(b)(8) claims in those cases were not adjudicated on the merits. An administrative judge (AJ) may fully adjudicate an OAA appeal on the merits but not adjudicate the reprisal claim for a variety of reasons. For example, an AJ may strike a reprisal claim as a sanction for an appellant's repeated failure to comply with the AJ's orders, or determine that the Board is precluded from considering the reprisal claim because a security clearance determination is at issue.

disclosure was a contributing factor in the personnel action. However, corrective action shall not be ordered if, after a finding that a protected disclosure was a contributing factor, the agency demonstrates by clear and convincing evidence that it would have taken the same personnel action in the absence of such disclosure.

Figure 5 depicts the resolution of section 2302(b)(9) claims within the 33 OAA appeals adjudicated on the merits in the regional and field offices.³⁵ While Figure 4 divides the outcomes of section 2302(b)(8) claims within OAA appeals adjudicated on the merits into subcategories of Corrective Action Not Ordered (i.e., no contributing factor, no protected disclosure, no personnel action, agency would have taken the same action), Figure 5 displays the outcomes of section 2302(b)(9) claims within OAA appeals adjudicated on the merits only in the broader categories of Corrective Action Ordered, Corrective Action Not Ordered, and Claim Withdrawn.³⁶ As previously noted, the outcome of an *appeal* is separate from the outcome of a section 2302(b)(8) or (b)(9) *claim*.

Figure 5: Outcomes of § 2302(b)(9) Claims in OAA Appeals Adjudicated on the Merits in the Regional and Field Offices			
Corrective Action Ordered	Corrective Action Not Ordered	Claim Withdrawn	Total
2	29	2	33

Figure 6 breaks down the totals displayed in Figure 2 for IRA appeals by depicting the outcomes of IRA appeals decided in the regional and field offices in which violations of section 2302(b)(8) and/or (b)(9) were alleged. In an IRA appeal, an appellant “shall seek corrective action from the Office of Special Counsel before seeking corrective action from the Board.”³⁷ If an IRA appeal is dismissed for “failure to exhaust,” (i.e., because the appellant failed to first seek corrective action from OSC), the appellant can file a new IRA appeal after fulfilling the administrative exhaustion requirement. This figure includes IRA appeals that were dismissed without prejudice. Also, as in OAA appeals, cases are settled at the discretion of both parties. Settlement agreements consist of terms acceptable to both parties, thus the agreement resolves the dispute in a way that both parties achieve some positive result.

Figure 6: Outcomes in IRA Appeals Decided in the Regional and Field Offices							
Type of Claim(s)	Dismissed, Without Prejudice	Settled	Withdrawn	Dismissed, Failure to Exhaust	Dismissed, Other Grounds	Adjudicated on Merits	Total
2302(b)(8) Only	97	95	34	60	110	83	479
Both 2302(b)(8) & (b)(9)	8	16	3	4	42	34	107
2302(b)(9) Only	1	0	0	0	6	6	13

³⁵ This figure displays the outcomes of all OAA appeals adjudicated on the merits in which a section 2302(b)(9) claim was raised. Thus, it includes the 12 OAA appeals adjudicated on the merits with a section 2302(b)(9) claim only and the 21 OAA appeals adjudicated on the merits with both section 2302(b)(8) and (b)(9) claims, as referenced in Figure 3.

³⁶ Additionally, the Corrective Action Not Ordered category in Figure 5 includes OAA appeals in which the section 2302(b)(9) claim was not reached. As explained with respect to Figure 4, an AJ may fully adjudicate an OAA appeal on the merits but not adjudicate the reprisal claim for a variety of reasons.

³⁷ 5 U.S.C. § 1214(a)(3)

Figure 7 depicts the resolution of section 2302(b)(8) claims within IRA appeals adjudicated on the merits in the regional and field offices.³⁸ Just as in an OAA appeal, the Board shall order corrective action for the reprisal claim in an IRA appeal if the appellant has demonstrated that: (1) he or she made a protected disclosure; (2) the agency has taken or threatened to take a personnel action against him or her; and (3) his or her protected disclosure was a contributing factor in the personnel action. However, corrective action shall not be ordered if, after a finding that a protected disclosure was a contributing factor, the agency demonstrates by clear and convincing evidence that it would have taken the same personnel action in the absence of such disclosure.

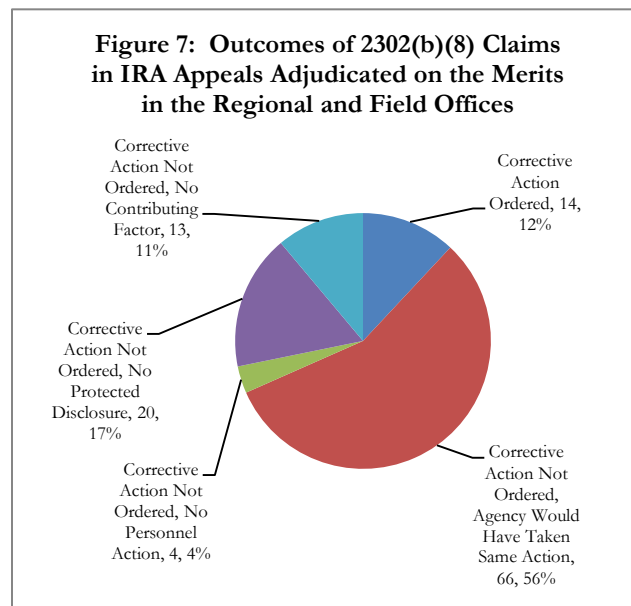
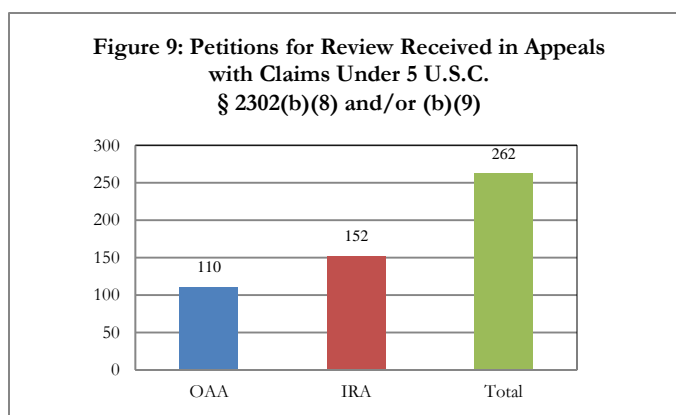


Figure 8: Outcomes of § 2302(b)(9) Claims in IRA Appeals Adjudicated on the Merits in the Regional and Field Offices			
Corrective Action Ordered	Corrective Action Not Ordered	Claim Withdrawn	Total
2	38	0	40

Figure 8 depicts the resolution of section 2302(b)(9) claims within IRA appeals adjudicated on the merits in the regional and field offices.³⁹ While Figure 7 divides the outcomes of section 2302(b)(8) claims within IRA appeals adjudicated on the merits into subcategories of Corrective Action Not Ordered (i.e., no contributing

factor, no protected disclosure, no personnel action, agency would have taken the same action), Figure 8 displays the outcomes of section 2302(b)(9) claims within IRA appeals adjudicated on the merits only in the broader categories of Corrective Action Ordered, Corrective Action Not Ordered, and Claim Withdrawn.⁴⁰

An appellant who, or agency that, is dissatisfied with an initial decision of an administrative judge (AJ) on an OAA or IRA appeal may file a petition for review (PFR) for review of the initial decision by the full Board at MSPB headquarters. Figure 9 shows the number of PFRs (both OAA and IRA appeals) the Board received on appeals involving section 2302(b)(8) and/or (b)(9) claims.⁴¹



³⁸ This figure displays the outcomes of the 83 IRA appeals adjudicated on the merits with a section 2302(b)(8) claim only and the 34 IRA appeals adjudicated on the merits with both section 2302(b)(8) and (b)(9) claims, as referenced in Figure 6.

³⁹ This figure displays the outcomes of the 6 IRA appeals adjudicated on the merits with a section 2302(b)(9) claim only and the 34 IRA appeals adjudicated on the merits with both section 2302(b)(8) and (b)(9) claims, as referenced in Figure 6.

⁴⁰ Additionally, the Corrective Action Not Ordered category in Figure 8 includes IRA appeals in which the section 2302(b)(9) claim was not reached.

⁴¹ Due to an administrative error, MSPB's FY 2015 report undercounted the number of petitions for review received.

Figure 10 shows the outcomes of PFR cases involving section 2302(b)(8) and/or (b)(9) claims. It is important to note that PFR outcomes are the decisions of the Board relative to the initial decision issued by the AJ, not relative to the initial action taken by the agency. Under 5 C.F.R. § 1201.115, the Board may issue a decision that denies or grants the PFR and affirms, reverses, or vacates, in whole or in part, the initial decision. Whether a PFR is denied or granted may have nothing to do with the reprisal claim. If the Board's decision is final, it will include an appropriate notice of appeal rights to the appellant. Alternatively, the Board may remand the appeal to the AJ for further proceedings, in which case the Board's decision is not yet final and no appeal rights are given. The Board vacates an initial decision when it issues a final decision that reaches a different outcome from that reached in the initial decision.⁴² This figure includes split vote orders issued by the Board. In a split vote order, the AJ's initial decision becomes the final decision of the MSPB because the two Board members cannot agree on the disposition of the PFR.⁴³ Split vote orders issued by the Board are not considered as precedent in any future cases.

Figure 10: Outcomes of Petitions for Review in Cases with Claims Under 5 U.S.C. § 2302(b)(8) and/or (b)(9)							
Settled	Dismissed	Affirmed	Remanded to Regional/Field Office	Reversed	Vacated	Split Vote	Total
2	7	124	34	1	0	6	174

During FY 2016, the Board issued decisions on 174 PFRs of appeals that involved section 2302(b)(8) and/or (b)(9) claims. Thirty-four of these appeals were remanded, of those, 13 were OAA appeals, and as such, the scope of the remand may or may not pertain to the reprisal claim. Therefore, when a PFR in an OAA appeal is remanded to the regional or field office, it may present an opportunity for reprisal claims within the case to be re-evaluated. The remaining 21 remands were for IRA appeals, in which the only issue before the Board was whether a personnel action was taken in reprisal for engaging in protected activity. It is relatively rare for cases to settle after an initial decision has been issued and a party has subsequently filed a PFR. Settlements at the PFR level are voluntary and are reached at the discretion of the parties. The settlement agreements contain terms that are acceptable to both parties, thus the agreement resolves the dispute in a way that both parties achieve some positive result.

⁴²MSPB's FY 2016 report includes a category for initial decisions that were reversed by the Board. MSPB's FY 2015 report did not include this category because the Board did not reverse any initial decisions on PFR that year.

⁴³In March 2015, Vice Chairman Anne M. Wagner departed the Board. From March 2015 until January 7, 2017, Chairman Susan Tsui Grundmann and Member Mark A. Robbins served as a two-member Board. Effective January 7, 2017, Chairman Susan Tsui Grundmann departed the Board. Mark A. Robbins currently serves as Vice Chairman and Acting Chairman.

Appendix B: More Information about MSPB

MSPB's Role, Functions, and Scope of Responsibilities.

During hearings on the CSRA, various Members of Congress testified and described the role and functions of MSPB stating that: “. . . [MSPB] will assume principal responsibility for safeguarding merit principles and employee rights” and be “charged with insuring adherence to merit principles and laws” and with “safeguarding the effective operation of the merit principles in practice.”⁴⁴ MSPB inherited Civil Service Commission (CSC) adjudication functions and provides due process to employees and agencies as an independent, third-party adjudicatory authority for employee appeals of adverse actions (such as removals, furloughs, and certain suspensions) and retirement decisions. For matters within its jurisdiction, MSPB was granted the statutory authority to develop its adjudicatory processes and procedures, issue subpoenas, call witnesses, and enforce compliance with MSPB decisions. Subsequent to the CSRA, Congress expanded MSPB's jurisdiction to hear appeals under a variety of other laws giving it broad authority over a wide range of appeals.⁴⁵ Congress also granted MSPB broad new authority to conduct independent, objective studies of the Federal merit systems and Federal human capital management issues to ensure employees are managed under the MSPs and free from PPPs. In addition, Congress granted MSPB the authority and responsibility to review the rules, regulations, and significant actions of OPM. Under various statutes, MSPB serves as an independent, third-party adjudicatory authority for over two million Federal civilian employees in almost every Federal department and agency, applicants for Federal civilian jobs, and certain U.S. Postal Service employees and uniformed military service members.⁴⁶

Findings and recommendations from MSPB's merit system studies help to strengthen merit and improve public management and administration in the Federal executive branch. Although MSPB's studies are focused on the Federal workforce and merit systems, they are generally applicable to the management of Federal legislative branch and judicial branch employees and even to public employees at the state and local levels. Through its authority to review and act on OPM rules, regulations, and significant actions, MSPB protects the merit systems and helps ensure that Federal employees are managed in adherence with the MSPs and free from PPPs. This broad authority includes employees in all the agencies for which OPM sets policy, beyond the specific individual employees who may file appeals to MSPB. MSPB's customers, partners, and stakeholders include a wide range of policy-makers; Federal agencies and councils; Federal employees and managers and groups that represent them; appellants, appellant representatives, and agency representatives; professional legal groups, academia, and management research organizations; and good Government groups.

MSPB Offices and Their Functions.

MSPB is headquartered in Washington, D.C. and has six regional and two field offices located throughout the United States. The agency is currently authorized to employ 235 FTEs to conduct and support its statutory duties.

⁴⁴ Legislative History of the Civil Service Reform Act of 1978. Committee on Post Office and Civil Service, House of Representatives, March 27, 1979, Volume No. 2 (pages 5-6).

⁴⁵ Including 5 U.S.C. Chapters 43 and 75, and all those set out at 5 C.F.R. Part 1201.3; the Uniformed Services Employment and Reemployment Rights Act (USERRA), Pub. L. No. 103-353, codified at 38 U.S.C. §§ 4301-4335; Whistleblower appeals including IRA appeals involving personnel actions listed in 5 C.F.R. § 1209.4(a) and otherwise appealable actions are listed in 5 C.F.R. §§ 1201.3 (a)(1) through (a)(19), and as amended by the WPEA (Pub. L. No. 112-199); the Hatch Act Modernization Act of 2012; and the Veterans Access, Choice, and Accountability Act of 2014, (Pub. L. No. 113-146).

⁴⁶ This includes most Federal employees under Title 5 U.S.C. and others such as certain Veterans Health Administration employees pursuant to 38 U.S.C. § 7403(f)(3) and reduction-in-force actions affecting a career or career candidate appointee in the Foreign Service pursuant to 22 U.S.C. § 4010a.

The **Board Members**, including the Chairman, Vice Chairman, and Board Member, are appointed by the President, confirmed by the Senate, and serve overlapping, nonrenewable 7-year terms. No more than two of the three Board Members can be from the same political party. The Board Members adjudicate the cases brought to the Board. The Chairman, by statute, is the chief executive and administrative officer. The Office Directors report to the Chairman through the Executive Director.

The **Office of the Administrative Law Judge (ALJ)** adjudicates and issues initial decisions in corrective and disciplinary action complaints (including Hatch Act complaints) brought by the Special Counsel, proposed agency actions against ALJs, MSPB employee appeals, and other cases assigned by MSPB. The functions of this office are currently performed by ALJs at the Federal Trade Commission, the Coast Guard, and the Environmental Protection Agency under interagency agreements.

The **Office of Appeals Counsel** conducts legal research and prepares proposed decisions for the Board to consider for cases in which a party files a PFR of an initial decision issued by an AJ and in most other cases decided by the Board. The office prepares proposed decisions on interlocutory appeals of AJ rulings, makes recommendations on reopening cases on the Board's own motion, and provides research, policy memoranda, and advice to the Board on legal issues.

The **Office of the Clerk of the Board** receives and processes cases filed at MSPB headquarters (HQ), rules on certain procedural matters, and issues Board decisions and orders. It serves as MSPB's public information center, coordinates media relations, operates MSPB's library and on-line information services, and administers the Freedom of Information Act (FOIA) and Privacy Act programs. It also certifies official records to the courts and Federal administrative agencies, and manages MSPB's records systems, website content, and the Government in the Sunshine Act program.

The **Office of Equal Employment Opportunity** plans, implements, and evaluates MSPB's equal employment opportunity programs. It processes complaints of alleged discrimination brought by agency employees and provides advice and assistance on affirmative employment initiatives to MSPB's managers and supervisors.

The **Office of Financial and Administrative Management** administers MSPB's budget, accounting, travel, time and attendance, human resources, procurement, property management, physical security, and general services functions. It develops and coordinates internal management programs, including review of agency internal controls. It also administers the agency's servicing agreements with the U.S. Department of Agriculture (USDA), National Finance Center for payroll services, U.S. Department of the Treasury, Bureau of the Public Debt for accounting services, and USDA's Animal and Plant Health Inspection Service for human resources services.

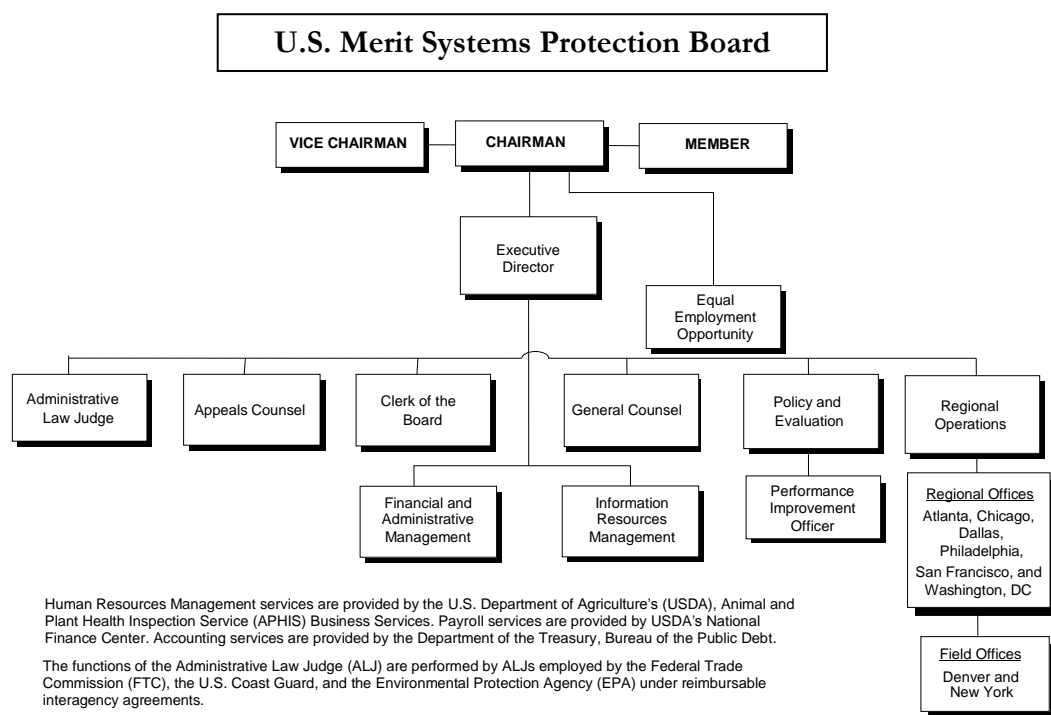
The **Office of the General Counsel**, as legal counsel to MSPB, advises the Board and MSPB offices on a wide range of legal matters arising from day-to-day operations. The office represents MSPB in litigation; coordinates the review of OPM rules and regulations; prepares proposed decisions for the Board to enforce a final MSPB decision or order, in response to requests to review OPM regulations, and for other assigned cases; conducts the agency's PFR settlement program; and coordinates the agency's legislative policy and congressional relations functions. The office also drafts regulations, conducts MSPB's ethics program, performs the Inspector General function, and plans and directs audits and investigations.

The **Office of Information Resources Management** develops, implements, and maintains MSPB's automated information systems to help MSPB manage its caseload efficiently and carry out its administrative and research responsibilities.

The **Office of Policy and Evaluation** carries out MSPB's statutory responsibility to conduct special studies of the civil service and other Federal merit systems. Reports of these studies are sent to the President and the Congress and are distributed to an international audience. The office provides information and advice to Federal agencies on issues that have been the subject of MSPB studies. The office also carries out MSPB's statutory responsibility to review and report on the significant actions of OPM. The office conducts special projects and program evaluations for MSPB and has responsibility for preparing MSPB's strategic and performance plans and performance reports required by the Government Performance and Results Act Modernization Act of 2010.

The **Office of Regional Operations** oversees the agency's six regional and two field offices, which receive and process appeals and related cases. It also manages MSPB's Mediation Appeals Program (MAP). AJs in the regional and field offices are responsible for adjudicating assigned cases and for issuing fair, well-reasoned, and timely initial decisions.

MSPB Organizational Chart



How MSPB Brings Value to the Merit Systems, the Federal Workforce, and the Public.

The Federal merit systems are based on widely accepted organizational management practices and values that have been developed and reinforced through historical experience. There are costs and benefits associated with merit-based management of the Federal workforce. Ensuring merit system values such as fairness in all personnel matters; hiring and advancement based on qualifications and performance; protection from arbitrary personnel decisions, undue partisan political influence, and

reprisal; and assurance of due process, incurs necessary costs (e.g., in time and effort) that are not comparable to the private sector. For example, the Federal Government may require more time and effort to fill a Federal job than a private employer as a result of: (1) requirements for public notice of vacancies to support the merit principle of fair and open competition to attain a workforce from all segments of society; (2) fair and rigorous assessment of applicants consistent with the merit principles of equal opportunity and selection based on relative ability; and (3) review and documentation of applicant eligibility and entitlements in compliance with laws and public policies such as those relating to veterans' preference and the disabled. These processes improve the overall quality of the workforce and help ensure that Federal jobs and job protections are provided to the most highly qualified applicants. This, in turn, helps reduce the likelihood that the Government will need to undertake the process to remove employees in the future. These management costs are necessary to ensure the ultimate goal of a strong, highly qualified, stable merit-based civil service that serves in the public's interest over the long term rather than at the pleasure of current political leaders.

Despite our relatively small size and budget, MSPB provides enormous value to the Federal workforce, Federal agencies, and to the American taxpayer by helping to ensure a more effective and efficient merit-based civil service that provides better service to the public. MSPB adds value by providing superior adjudication services, including alternative dispute resolution, which ensure due process and result in decisions that are based in law, regulation, and legal precedent and not on arbitrary or subjective factors. MSPB's adjudication process is guided by reason and legal analysis, which are hallmarks of both our legal system and our merit system. The quality of MSPB's decisions is evidenced by the high affirmance rate of its decisions by the Courts. Centralized adjudication of appeals by a neutral, independent third party improves the fairness and consistency of the process and resulting decisions and is more efficient than separate adjudication of appeals by each agency. The body of legal precedent generated through adjudication and the transparency and openness of the adjudication process provide guidance to agencies and employees on proper behavior and the ramifications of improper behavior. This adjudication information, shared through outreach, our regulations and extensive material on our website, improves the long-term effectiveness and efficiency of the civil service and supports better adherence to MSPs and prevention of PPPs. This adjudication information also improves the effectiveness and efficiency of the adjudication process by helping the parties understand the law and learn how to prepare thorough and legally sound cases. Strong enforcement of MSPB decisions ensures timely, effective resolution of current disputes and encourages more timely compliance with future MSPB decisions.

MSPB's high-quality, objective merit systems studies provide value by identifying and assessing innovative and effective merit-based management policies and practices and recommending improvements. For example, MSPB studies have shown that improved hiring and selection, improved merit-based management, and greater employee engagement lead to a highly qualified Federal workforce, improved organizational performance, and better service to the public. Results, findings, and recommendations from MSPB's merit systems studies function are shared through reports, newsletters, online flash articles posted to our website and through outreach. A recent MSPB report provides information on and dispels misconceptions about due process in the civil service, which is useful to policy-makers, managers, legal practitioners, and other stakeholders. Effective management processes also help reduce the occurrence and costs of PPPs, which negatively affect agency and employee performance. Review of OPM significant actions, rules, and regulations protects the integrity and viability of the civil service and merit systems and provides benefits similar to those related to merit systems studies. Better merit-based management helps improve employee and agency performance. It also logically leads to less employee misconduct and fewer adverse actions, which reduces costs in terms of fewer PPPs and fewer unsubstantiated appeals. This

provides indirect value to the American taxpayer in decreased Governmentwide costs and confidence that the Government is doing its job well and appropriately managing the workforce.

The Merit System Principles and Prohibited Personnel Practices

The CSRA codified for the first time the values of the merit systems as the MSPs and delineated specific actions and personnel practices that were prohibited (PPPs) because they were contrary to merit system values.⁴⁷ The MSPs include the values of: fair and open competition for positions with equal opportunity to achieve a workforce from all segments of society; merit-based selection for jobs; advancement and retention based on qualifications and job performance; fair and equitable treatment in all aspects of management; equal pay for work of equal value; and training that improves organizational and individual performance. The MSPs also include: protection from arbitrary action, favoritism, or coercion for political purposes; and protection against reprisal for lawful disclosure of violations of law and waste, fraud, and abuse. The principles further state that the workforce should be used effectively and efficiently and that all employees should maintain high standards of integrity, conduct, and concern for the public interest.

The PPPs state that employees shall NOT take or influence others to take personnel actions that: discriminate for or against an individual or applicant on the bases of race, color, religion, sex, national origin, age, disabling (handicapping) condition, marital status, or political affiliation; consider information beyond the person's qualifications, performance, or suitability for public service; or coerce political activity or commit reprisal for refusal to engage in political activity. These actions also may not: deceive or willfully obstruct an individual's rights to compete for employment; influence a person to withdraw from competition to affect the prospects of another; or grant preference beyond that provided by law. The actions also may not be: based on or create nepotism; in retaliation or reprisal for whistleblowing—the lawful disclosure of a violation of law, rule or regulation, gross mismanagement or waste of funds, abuse of authority, or danger to public health or safety; in retaliation or reprisal for an employee's exercise of his or her rights and legal protections; or based on past conduct that does not adversely affect the job. The actions also must not: knowingly violate veterans' preference; violate the MSPs; or implement or enforce a nondisclosure policy, form, or agreement, which lacks a specific statement that its provisions are consistent with and do not supersede applicable statutory whistleblower protections.

⁴⁷ Title 5 U.S.C. § 2301 and § 2302, respectively.

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Appendix C: Information Required under 5 U.S.C. § 7701(i)(1) and (2)

In accordance with 5 U.S.C. § 7701(i)(1) and (2), MSPB provides case processing information for FY 2016. In FY 2016, MSPB processed 9,756 total cases (not including ALJ and original jurisdiction cases at HQ). Forty one percent of initial appeals (including addendum) were processed in 110 days or less (45 percent in 120 days or less). Twelve percent of PFRs (including addendum) were processed in 110 days or less (52 percent in 150 days or less). Therefore, 59 percent of initial appeals took over 110 days to process, 55 percent took over 120 days to process; 88 percent of PFRs took over 110 days to process and 48 percent took 150 days or more to process.

In general, each case is adjudicated on its merits consistent with law and legal precedent and in a manner consistent with the interests of fairness, which is achieved by assuring due process and the parties' full participation at all stages of the appeal. Several factors contribute to the length of time it takes to resolve a particular case. It takes time to issue notices, respond to discovery and other motions, subpoena documents, arrange for and question witnesses, present evidence, conduct a hearing, and often to participate in alternative dispute resolution efforts. When there is good cause to do so, the parties may be granted additional time in an effort to preserve due process. Adjudication also may require more time when cases involve new or, particularly complex legal issues, or numerous factual issues, or the interpretation of new statutory or regulatory provisions. In addition, when Board Members do not agree regarding the disposition of PFR issues or cases, the need to resolve disagreements or prepare separate opinions may increase the time needed for adjudication. Additional factors that affect processing time are discussed above in the performance results section of this APR-APP.

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List of Abbreviations and Acronyms

ADR	Alternative Dispute Resolution
AJ	Administrative Judge
APR-APP	Annual Performance Report and Annual Performance Plan
ATO	Authority to Operate (usually refers to operating an IT system)
CB	Clerk of the Board
CEU	Continuing Education Units
CIO	Chief Information Officer
CLE	Continuing Legal Education
CMS/LM	Case Management System/Law Manager
COOP	Continuity of Operations Plan
CSC	Civil Service Commission
CSRA	Civil Service Reform Act of 1978 (Pub. L. No. 95-454, 92 Stat. 1111)
CSRS	Civil Service Retirement System
DMS	MSPB's Document Management System
DOI	Department of Interior
DWOP	Dismissal Without Prejudice
ED	Executive Director
e-FOIA	Electronic Freedom of Information Act system
EVS	Federal Employee Viewpoint Survey
FERS	Federal Employees' Retirement System
FEVS	Federal Employee Viewpoint Survey
FLRA	Federal Labor Relations Authority
FTE	Full-Time Equivalent
FY	Fiscal Year
GAO	Government Accountability Office
GC	General Counsel
GPRA	Government Performance and Results Act
GPRA MA	GPRA Modernization Act of 2010
GS	General Schedule
GSA	General Services Administration
HC	Human Capital
HR	Human Resources
HQ	Headquarters
<i>IoM</i>	<i>Issues of Merit</i> newsletter
IRA	Individual Right of Action (type of whistleblower appeal)
IS	Internal Survey
IT	Information Technology
ITTG	Information Technology Testing Group
LGBT	Lesbian, Gay, Bisexual, and Transgender

MAP	Mediation Appeals Program
MPS	Merit Principles Survey
MSP	Merit System Principles
NDAA	National Defense Authorization Act
OAA	Otherwise Appealable Action (often a type of whistleblower appeal)
OEEO	Office of Equal Employment Opportunity
OMB	Office of Management and Budget
OPM	Office of Personnel Management
OSC	Office of Special Counsel
PFR	Petition for Review of an Initial Decision
PIO	Performance Improvement Officer
PPP	Prohibited Personnel Practices
RFI	Request for Information
RFQ	Request for Quote
RIF	Reduction-in-Force
SES	Senior Executive Service
SLA	Service Level Agreement
TBD	To be determined
USERRA	Uniformed Services Employment and Reemployment Rights Act
USPS	U.S. Postal Service
VA	Department of Veterans Affairs
VEOA	Veterans Employment Opportunity Act
VERA	Voluntary Early Retirement Authority
VSIP	Voluntary Separation Incentive Plan
VTC	Video-teleconference
WB	Whistleblower
WPA	Whistleblower Protection Act of 1989
WPEA	Whistleblower Protection Enhancement Act of 2012



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