



U.S. Merit Systems Protection Board

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**Congressional  
Budget  
Justification  
FY 2025**

**Prepared for the  
Committee on Appropriations**

**March 2024**

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**The U.S. Merit Systems Protection Board**  
**Congressional Budget Justification**  
**Fiscal Year 2025**

**Introduction**

The U.S. Merit Systems Protection Board’s (MSPB or Board) fiscal year (FY) 2025 budget request is \$53,000,000, plus \$3,075,000 to be transferred from the Civil Service Retirement and Disability Fund, for a total FY 2025 budget request of \$56,075,000. The Office of Management and Budget (OMB) and the Office of Personnel Management (OPM) support an increase of \$730,000 (from \$2,345,000 to \$3,075,000) in transfer authority from the Civil Service Retirement and Disability Fund to account for salary inflation.<sup>1</sup>

MSPB’s FY 2025 budget request is consistent with the President’s Budget. This request contains an increase in budget authority for MSPB from our FY 2023 enacted level, but it is well short of both our FY 2024 request of \$61,533,000 and our FY 2025 budget need of \$63,410,000. Without additional funding, MSPB cannot hire up to the necessary full-time equivalent (FTE) level of 236 positions. Instead, we are forced to keep our funded FTE level constrained to 190 FTEs in FY 2024, resulting in numerous critical vacancies across the agency.

Consequently, our ability to fully meet our mission continues to be compromised. Inadequate funding not only affects MSPB as an agency but also affects the parties that appear before us in delayed adjudication, possibly including accruing backpay, unaddressed mismanagement, and unchecked whistleblower retaliation. Additionally, the shortfall in funding affects our ability to fully staff our research and studies mission. Our studies prompt legislative and regulatory changes, contribute empirical evidence to critical debates about the merit systems, provide guidance to agencies, and track Federal employee perceptions of merit system principles (MSPs) and prohibited personnel practices (PPPs). Without adequate funding, MSPB’s mission suffers, as do Federal employees, agencies, and taxpayers who benefit from the agency’s adjudicatory function and critical research.

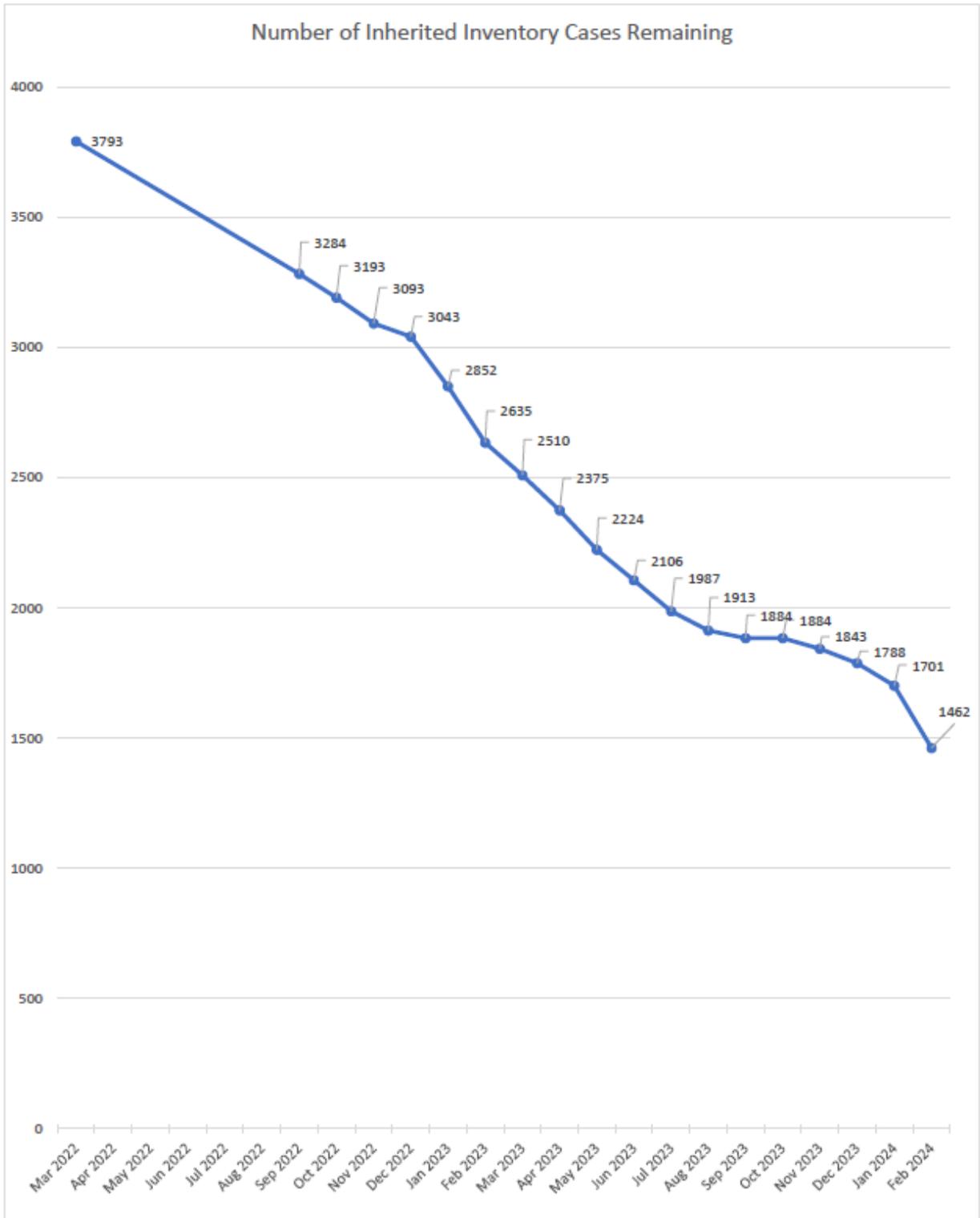
MSPB faces critical challenges in FY 2025: inadequate staffing and retirement eligibility, particularly in our statutory mission areas of adjudication and studies, as well as information technology (IT) modernization. Nevertheless, MSPB is committed to protecting MSPs and promoting an effective Federal workforce free of PPPs. With these objectives and challenges in mind, MSPB respectfully and urgently asks for Congress’s consideration of this budget request.

Most notably, since the quorum of Board members was restored on March 4, 2022, MSPB has made significant progress on the adjudication of the [inherited inventory of 3,793 cases at headquarters](#) (HQ). The Board has focused on adjudication of the oldest cases in the inherited inventory. A total of 1,484 HQ cases have been adjudicated in FY 2023 (as of September 30, 2023), the majority of which were from the inherited inventory. Thirty-nine percent of the inherited inventory (or 1,462 cases) remains (as of February 29, 2024; see Figure 1). MSPB has an obligation to clear the inherited inventory, which we hope to achieve in FY 2025. However, success to date has come through internal staff details that have resulted in stress on other MSPB programs and operations.

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<sup>1</sup> See page 16 for an explanation of the requested increase.

Figure 1.



## **Internal Challenges Affecting MSPB Operations**

### *Inadequate Staffing and Retirement Eligibility*

MSPB was authorized 235 FTE for FY 2023 but was not fully funded to support that FTE level. Moreover, we have been unable to fully staff the agency for several years due to budget constraints. Staffing costs comprise approximately 79% of MSPB's annual budget. Based on the most recent budget limitations imposed by the Fiscal Responsibility Act of 2023, MSPB has put hiring actions on hold pending further attrition. Currently, we are sustaining 190 FTEs and plan to onboard a third Board member<sup>2</sup> and his support staff (a chief counsel and a confidential assistant) in FY 2024. Holding at this FTE level reduces MSPB's ability to adjudicate efficiently and to adequately support our Research Agenda. To ensure that MSPB remains a good steward of taxpayer dollars in a climate of budget uncertainty, we have been extremely cautious in adding personnel. We believe this best positions MSPB to sustain current staffing levels and avoid reductions in force (or RIFs), which would be catastrophic for the agency and those whom we serve.

Without adequate adjudication staffing, however, MSPB has had to make tradeoffs. Because the current budget limitations do not allow us to hire additional personnel, MSPB has detailed staff internally to triage needs in other offices. The net effect is that the Office of Appeals Counsel (OAC) is now operating without a third of its decision-writing staff. There are currently eight Administrative Judge (AJ) and one Regional Director vacancies across the regional and field offices (ROs/FOs). The shortage of each AJ in the ROs/FOs results in approximately 85-121 fewer initial decisions (IDs) issued each year. The current case workload is 44% greater than the standard case load. This increase in the case workload across MSPB has increased adjudication appeal time and lowered morale, as evidenced in the most recent Federal Viewpoint Survey. Detailing staff to triage needs in other offices is expected to continue throughout FY 2024 due to the inability to hire additional personnel. Moreover, as set forth below, MSPB's adjudication work continues to increase in complexity due to new laws and appellate interpretation of existing laws. Adequately staffing the adjudication offices is critical to eliminating the inherited inventory (now at approximately 1,462 cases, down from 3,793 at the time the quorum was restored on March 4, 2022), timely processing new cases, and defending the Board's decisions in court.

Furthermore, MSPB is hampered from pursuing research on its published Research Agenda as current funding does not allow for backfills for previous and new attrition. The organization has lost 66% of its technical research staff and has gaps in the skills required to produce and publish studies of merit issues in the Federal workforce. The Office of Policy and Evaluation (OPE) would need to fill six mission-critical vacancies (assuming no further attrition) to fully resume these statutorily mandated activities.

In addition to existing vacancies and limited FTE flexibility, by the end of FY 2025, 24% of MSPB employees will be eligible to retire. This compounds our staffing challenges and portends slower

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<sup>2</sup> On July 3, 2023, President Biden announced his intent to nominate Henry J. Kerner as Member. Mr. Kerner's nomination was sent to the Senate on July 11, 2023. After a nomination hearing on November 30, 2023, Mr. Kerner was reported favorably out of the Senate Committee on Homeland Security and Governmental Affairs and placed on the Senate calendar. His nomination was returned to the President at the end of the 1st session of the 118th Congress. On January 8, 2024, the nomination was sent to the Senate, and on January 17, 2024, it was reported favorably out of the Senate Committee on Homeland Security and Governmental Affairs and placed on the Senate calendar.

case processing times and a lack of technical ability to complete new merit systems research and studies. Such a reduction in MSPB's workforce limits the capacity for outreach and education services, which play a key role in ensuring that Federal agencies and their employees understand the Board's role and processes. Educating the Federal workforce also improves efficiency and effectiveness throughout the Government by helping agencies understand and act in accordance with MSPs, avoid PPPs, and promote the overall efficiency of the civil service.

### *Information Technology Modernization*

In FY 2019, MSPB began modernizing its core business applications, starting with the development of a new cloud-based electronic filing and case management workflow system that is certified by the Federal Risk and Authorization Management Program (FedRAMP). This updated functionality replaces several legacy systems, including MSPB's e-Appeal Online, document management, and document assembly systems, which were at or nearing end-of-life and prevented MSPB from achieving 100% electronic adjudication of appeals. The new e-Appeal system was implemented in October 2023 and will continue to evolve to fully support internal and external stakeholder needs. MSPB has been striving to improve user experience by designing this enterprise application to ensure that appellants, appellant representatives, and agency representatives are able to easily and intuitively file appeals and pleadings and self-manage most aspects of their cases before the Board. This effort directly aligns with the second priority of the President's Management Agenda – Delivering Excellent, Equitable, and Secure Federal Services and Customer Experience.

In FY 2021, MSPB engaged in planning efforts to modernize all remaining legacy systems; upgrade its network architecture to support a hybrid workforce; increase internet capacity as MSPB transitioned to cloud-based services; enhance cybersecurity consistent with Executive Order (EO) 14028, "Improving the Nation's Cybersecurity"; and transition business processes to comply with the Government's transition to electronic records.

In FY 2022, MSPB began network transformation efforts to support a cloud-based environment. These efforts continued in FY 2023 with the migration of MSPB's analog phone system to a cloud-based softphone platform. MSPB had planned to engage in several other modernization efforts in FY 2024, including a phased lifecycle replacement of laptops and migration of MSPB's research and analysis tools to a cloud-based, software-as-a-service (SaaS) platform to improve security and reliability and reduce the complexity of IT services (which would allow for web integration so MSPB can publish dashboards using our merit systems research and surveys). However, based on the uncertainty surrounding the enactment of the FY 2024 budget, these efforts are now delayed into FY 2025, but will be pursued then only if the enacted budget authority permits.

MSPB continues to prioritize maturation of its cybersecurity program and seeks cybersecurity funding to better comply with OMB requirements, Department of Homeland Security (DHS) binding operational and emergency directives, and EO 14028. Without an enhanced budget specifically to support cybersecurity initiatives and programs, MSPB will continue to be in a reactive security posture, putting the organization at risk when it could instead, with adequate resources, take active measures to identify and protect against threats and move to a risk-based decision-making model in line with Federal guidance. The threat landscape is constantly shifting, and the tools, capabilities, and training needed to combat threats are continuously evolving; it is essential that MSPB keep up. The table below provides a breakdown of MSPB's cybersecurity costs based on National Institute of Standards and Technology (NIST) categories.

Table 1. Cybersecurity costs by NIST category

NIST Category	Capability	Amount
Detect	Data Loss Prevention	\$ 20,000.00
Identify	Authorization and Policy	\$ 145,000.00
Protect	Other Protect Capabilities	\$ 184,628.00
Protect	Security Log Management	\$ 50,000.00
Respond	Incident Management and Response	\$ 850,000.00
<b>Total</b>		<b>\$ 1,249,628.00</b>

MSPB plans to implement a security log management solution, where all logs are normalized, secured, and analyzed regularly. In addition, the agency expects to purchase network monitoring software to stay ahead of potential bottlenecks and outages. Furthermore, MSPB intends to establish a security operations center (using a shared service) to detect and monitor threats around the clock by potentially leveraging the Department of Justice’s Security Operations Center. Finally, MSPB will ensure that Federal Information Security Management Act (FISMA) compliance and reporting requirements are met with the integration of governance, risk, and compliance software.

### **External Events Affecting MSPB Operations**

Several recent external factors have affected MSPB’s operations and will continue to do so, resulting in the need for additional resources.

#### *Enactment of New Statutes by Congress*

##### National Defense Authorization Act for FY 2022 (P.L. 117-81)

The National Defense Authorization Act (NDAA) is the annual Department of Defense (DOD) policy bill that has been the primary vehicle for new laws affecting civilian employee policy. The NDAA for FY 2022 has two provisions with potential bearing on MSPB operations. Section 1105 amends the guidelines for reductions in civilian positions at DOD (10 U.S.C. § 1597(e)) by changing the determination criteria for employee separation from being “primarily on the basis of performance” to “account[ing] for employee performance ... among other factors as determined by the Secretary.” It is still unclear how this change will be interpreted by MSPB and other tribunals. Section 1106 repeals the two-year probationary period for Title 10 employees, returning to the prior one-year requirement. This repeal, effective December 31, 2022, provides MSPB appeal rights to DOD civilian employees who have completed one year of service and thus may lead to a slight increase in MSPB’s caseload.

#### Whistleblower Protection Laws

Since the enactment of the Whistleblower Protection Enhancement Act of 2012 (WPEA), initial appeals filed in the ROs/FOs and petitions for review (PFRs) to the Board involving reprisal for whistleblowing or other activity protected by the WPEA have increased significantly. Approximately

25% of all PFRs decided by HQ involved such claims, and approximately 12% of initial appeals in FY 2023.

The WPEA and subsequent whistleblower legislation also increased the complexity of adjudicating whistleblower cases. Prior to the WPEA, for example, many whistleblower claims failed under then-current case law because the disclosure at issue was made to the alleged wrongdoer or was made in the appellant's normal course of duties. Such findings were made at the first step of a three-step analysis, and thus remaining issues were not adjudicated. Pursuant to the WPEA, such disclosures are protected, requiring further legal analysis.

Additionally, MSPB's jurisdiction over whistleblowing—even in the absence of an otherwise appealable action—may now extend over many more concerns. Claims of retaliation based on the exercise of a right related to prior whistleblowing activity; assisting another individual in the exercise of any appeal, complaint, or grievance involving whistleblowing activity; cooperating with or disclosing information to an agency's inspector general (or any other component responsible for internal investigation or review) or the Office of Special Counsel (OSC); or refusing to obey an order that would require the individual to violate a law, rule, or regulation, have been added to MSPB's jurisdiction pursuant to statutory amendments in the past 10 years. The NDAA for FY 2020, enacted December 20, 2019, explicitly protects whistleblower disclosures to Congress, including some classified disclosures. The NDAA for FY 2023, enacted December 23, 2022, included a provision permitting employees of the Federal Bureau of Investigation (FBI) to file whistleblower claims with MSPB. The increased complexity of whistleblower cases likely will create a need for more in-person hearings, with associated increases in costs and adjudication resources at the ROs/FOs and HQ levels.

As part of the WPEA, Congress introduced a pilot program permitting employees with cases involving reprisal for whistleblowing or other activities protected by the WPEA to appeal MSPB's decisions to any Federal circuit court of appeals of competent jurisdiction rather than only to the U.S. Court of Appeals for the Federal Circuit. Congress made the pilot program permanent effective November 26, 2017. Before the pandemic, this "all-circuit review" resulted in an increase in travel for MSPB attorneys to argue cases in person throughout the country, and it likely will continue to require additional travel now that the pandemic is over.

Overall, it is probable that both the number and complexity of WPEA-related appeals and PFRs will continue to grow in the coming years, requiring funding for additional adjudication resources. As noted above, about 25% of HQ cases adjudicated in FY 2023 include these types of claims. In the regions, the lack of funding for timely adjudication of complex WPEA appeals results in longer processing times and can result in constituent inquiries to Congress.

*National Defense Authorization Act for FY 2017 (P.L. 114-328)*

The NDAA for FY 2017 contained three provisions that have increased appeals to MSPB.

Section 512 provided limited appeal rights to dual-status military technicians serving in the National Guard. This was a significant change in the law with respect to such employees, who previously had no such rights.

Section 1138 enacted the Administrative Leave Act of 2016 (codified as 5 U.S.C. § 6329b), which expanded MSPB’s jurisdiction by adding to the possible grounds on which an employee might file an appeal. It made placement on investigative leave for “not less than 70 workdays” a personnel action under the subsection 8 and 9 whistleblower protections of 5 U.S.C. § 2302(b).

Section 1140 expanded MSPB’s jurisdiction in cases of voluntary separation during a personnel investigation. As codified in 5 U.S.C. § 3322, an employee who voluntarily resigns while under investigation is entitled to file an appeal with MSPB over the notation in their personnel file of an adverse finding resulting from the investigation.

#### *Other External Factors Leading to Increased Appeals to MSPB*

##### *Supreme Court Decision and Board Decision Related to the MSPB Appeal Rights of Dual-Status National Guard Technicians*

The Supreme Court, in *Ohio Adjutant General’s Dept v. Federal Labor Relations Authority (FLRA)*, 143 S. Ct. 1193 (2023), held that state adjutants general, who appoint technicians, act on behalf of the Department of Defense and therefore are subject to the FLRA’s authority to enforce the rights and obligations of federal civilian employees. Subsequently, in *Erdel v. Dept of the Army*, 2023 MSPB 27 (2023), the Board interpreted the Supreme Court decision and held that the Board has jurisdiction over the removal of a dual-status National Guard technician when the removal was based entirely on misconduct that occurred while the appellant was serving in his technician position and was not based on his fitness for duty in the reserve components, or as a result of actions occurring while he was in a military pay status. The Board further held that, although the appellant was appointed by a state adjutant general, he is a federal employee, and the Board has authority to order the Department of the Army to take an employment action. By expanding the Board’s jurisdiction in this area, these precedents potentially increase the number of appeals to the MSPB.

##### *Federal Circuit Decisions Related to Whistleblowing and Performance-based Actions*

On November 9, 2020, in *Hessami v. MSPB*, 979 F.3d 1362 (Fed. Cir. 2020), the Federal Circuit made several rulings which increase the likelihood that whistleblowing appeals to MSPB will proceed to a hearing on the merits of a claim. The court held that an appellant’s whistleblowing disclosure related to disputable policy matters does not preclude it from being protected because, under the WPEA, “policy decisions and disclosable misconduct are not mutually exclusive.” The court also held that in determining whether an appellant made a nonfrivolous jurisdictional allegation under the WPEA, the Board may not consider evidence introduced by the agency. Instead, the Board is limited to “evaluating whether the appellant has alleged sufficient factual matter, accepted as true, to state a claim that is plausible on its face.”

However, on January 19, 2022, the court issued *Smolinski v. MSPB*, 23 F.4th 1345 (Fed. Cir. 2022), which held that *Hessami* does not prohibit reliance on certain agency evidence supporting the appellant’s claim to jurisdiction. The holdings in these two cases have resulted in a higher number of appeals proceeding past the jurisdictional stage to hearings on the merits of the cases. In FY 2023, 90 appeals in whistleblower-related cases were remanded on PFR by the Board at headquarters or by a Federal circuit court on appeal of a final Board decision and referred to the regional or field office for further adjudication.

In *Santos v. NASA*, 990 F.3d 1355 (Fed. Cir. 2021), the Federal Circuit significantly expanded the potential scope of admissible evidence and discovery in performance-based actions taken under 5 U.S.C. § 4302, holding that when an agency predicates removal on an employee's failure to satisfy obligations imposed by a performance improvement period (PIP), the agency must further demonstrate that the employee's performance justified imposing a PIP in the first instance. This has led to more complex and lengthy adjudication of performance-based actions before MSPB.

Each of these decisions increase the number, length, and complexity of hearings that are conducted in cases involving claims of whistleblowing and those based on performance under 5 U.S.C. § 4302, and likely will call for additional adjudication resources, including travel for hearings and court reporter costs. Additionally, expanded resources for the MSPB studies function may be required to research the consequences of these cases for Federal workplace practices.

*Workload Resulting from Department of Homeland Security, Transportation Security Administration (TSA) Expansion of Appeal Rights for Transportation Security Officers (TSOs)*

On June 3, 2021, DHS Secretary Alejandro N. Mayorkas issued a memorandum supporting the TSA workforce through improving the TSO employment experience. Specifically, the Secretary directed a review and evaluation of whether its current standards align with Title 5 personnel protections. Expecting legislation that would provide MSPB appeal rights, TSA began to afford TSOs similar appeal rights to MSPB as other TSA employees. On September 13, 2021, MSPB entered into a reimbursable agreement with TSA to adjudicate such appeals. In FY 2022, MSPB adjudicated 52 appeals under their newly established rights, pending legislation that would otherwise increase our non-reimbursable workload. The agreement was renewed for FY 2023, and 61 appeals were adjudicated as of September 30, 2023. The TSA reimbursable agreement was renewed for FY 2024.

*New Regulatory Appeal Rights Provided by OPM to Implement the Fair Chance Act*

OPM issued regulations, effective October 2, 2023, to implement the Fair Chance to Compete for Jobs Act of 2019 (Fair Chance Act), 5 U.S.C. §§ 9201-9206. These regulations create a new appeal right to MSPB for employees who have been charged with violating the Fair Chance Act. With some exceptions, the Fair Chance Act prohibits Federal agencies and Federal contractors acting on their behalf from requesting that an applicant for Federal employment disclose criminal history record information before the agency makes a conditional offer of employment to that applicant. Under OPM's new regulation at 5 C.F.R. § 920.202, it is a violation of the Fair Chance Act if an agency employee requests information about an applicant's criminal history prior to making a conditional offer of employment to that applicant (unless the position is exempted or excepted from the Fair Chance Act). For a first violation, OPM shall issue a written warning to the employee, and a second violation could result in a suspension of not more than 7 days. Therefore, a first or second violation would not result in an appealable action. A third or subsequent violation, however, could result in a suspension of more than 7 days and civil monetary penalties. If OPM issues a suspension for more than 14 days or combines a suspension and a civil penalty, the employee has the right to appeal to MSPB under 5 C.F.R. § 754.204. Although it is too soon to know the impact on MSPB's regional and appellate level adjudication, MSPB's OPE will require resources to research, analyze, and conduct studies across Federal agencies regarding the Fair Chance Act.

### Possible Changes to Civil Service Laws or Regulations

Over the past several years, there have been several proposed laws and regulations, in addition to EOs, about the civil service. As such laws are enacted, regulations are finalized, or EOs are issued, MSPB's workload—in adjudication and studies—is likely to increase.

### **FY 2025 Budget Request**

#### **Appropriation Language**

For necessary expenses to carry out functions of the U.S. Merit Systems Protection Board pursuant to Reorganization Plan Number 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. § 5509 note), as amended, including services as authorized by 5 U.S.C. § 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed \$2,000 for official reception and representation expenses, \$53,000,000 to remain available until September 30, 2026, and, in addition, \$3,075,000 to remain available until September 30, 2026, for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts to be determined by the U.S. Merit Systems Protection Board.

The Board has authority to adjudicate appeals from a final administrative action or order affecting the rights or interests of an individual under 5 U.S.C. § 8347(d) (the Civil Service Retirement System) and 5 U.S.C. § 8461(e) (the Federal Employees' Retirement System). Pursuant to 5 U.S.C. § 8348(a)(3), the Fund is made available, subject to such annual limitation as Congress may prescribe, for any expenses incurred by the Board in the administration of such appeals.

#### **Strategic Goals and Objectives**

MSPB's FY 2025 Congressional Budget Justification is based on its Strategic Plan. The agency's performance goals cover the critical components of two strategic goals, and the performance measures support MSPB's ability to manage and report performance over time.

The strategic goals and objectives are:

**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.
  - 1A-RO: Provide understandable, high-quality resolution of initial appeals in the regional and field offices, supported by fair and efficient adjudication and ADR processes.
  - 1A-HQ: Provide understandable, high-quality resolution of appeals at HQ, supported by fair and efficient adjudication and 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 OPM, 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: Support and improve the practice of merit, adherence to MSPs, and prevention of PPPs in the workplace through successful, targeted outreach and engagement.
- 2B: Advance the understanding of merit, MSPs, and PPPs for stakeholders and the public by developing and sharing informational and educational materials and guidance.

**Management Objectives**

- M1: Lead, manage, and develop employees to ensure a highly qualified, diverse, inclusive, and engaged workforce with the competencies to perform MSPB's mission and support functions successfully.
- M2: Modernize IT to support agency mission and administrative functions.

**FY 2025 Request by Object Class**

MSPB requests a total budget authority of \$56,075,000 for FY 2025, which includes \$53,000,000 in appropriated funds and a transfer of \$3,075,000 from OPM's Civil Service Retirement and Disability Fund. This budget request does not fully support MSPB's mission requirements. Therefore, MSPB has provided FY 2025 budget needs for consideration. The FY 2025 "budget needs" level of funding ensures that MSPB will be appropriately resourced to efficiently and timely adjudicate the inherited inventory and new appeals; develop and publish new regulations to conform with recent statutory changes; issue study reports on the merit systems in accordance with our Research Agenda; and support our cloud-based network modernization and transformation.

MSPB's budget request posture remains consistent with previous fiscal years. Personnel compensation and benefits constitute approximately 79% of MSPB's budgetary expenses. About 7% of MSPB's budget authority is for rent to the General Services Administration (GSA) for MSPB office spaces. That leaves approximately 14% for services from other Government agencies (human resources, payroll, accounting, and ALJs), IT modernization and sustainment, and all other operational requirements (travel, printing, facilities maintenance, and general supplies).

We recognize that Congress faces many challenges and other Federal entities are also impacted by budget constraints. We have kept our budget request in alignment with the President’s Budget request. However, MSPB would be remiss if we did not advise of the funding required to fully staff the agency to ensure that all MSPB mission requirements and priorities are met. The following budget tables provide the FY 2024 Request, the FY 2025 Request, the FY 2025 change from the FY 2024 Request, and the FY 2025 Need to fully staff and support MSPB operations.

***Personnel Compensation & Benefits***

<b>MOC</b>	<b>Description</b>	<b>FY 2024 Request (000)</b>	<b>FY 2025 Request (000)</b>	<b>Change over FY 2024 (000)</b>	<b>FY 2025 Need (000)</b>
<b>11</b>	<b>Personnel Compensation</b>	<b>\$35,792</b>	<b>\$31,085</b>	<b>(\$4,707)</b>	<b>\$36,764</b>
<b>12</b>	<b>Benefits</b>	<b>\$11,205</b>	<b>\$10,081</b>	<b>(\$1,124)</b>	<b>\$11,345</b>

Personnel compensation and benefit expenses are the largest component of the MSPB FY 2025 budget request. The above FY 2025 budget request will support approximately 194 FTEs. MSPB requires approximately 236 FTEs to fully support all facets of the MSPB mission.

***Travel & Transportation of Persons***

<b>MOC</b>	<b>Description</b>	<b>FY 2024 Request (000)</b>	<b>FY 2025 Request (000)</b>	<b>Change over FY 2024 (000)</b>	<b>FY 2025 Need (000)</b>
<b>21</b>	<b>Travel &amp; Transportation of Persons</b>	<b>\$410</b>	<b>\$235</b>	<b>(\$175)</b>	<b>\$245</b>

Travel is required to support in-person hearings, mediations, outreach events, site visits, interviews for studies, training, and speeches at conferences. The Board members plan to visit the regional and field offices and attend mission-related conferences, and they will request that regional directors periodically attend meetings at HQ. Additionally, travel is required to support IT modernization efforts across the regional and field offices—in particular, a laptop refresh and other IT improvements at our locations.

***Transportation of Things***

<b>MOC</b>	<b>Description</b>	<b>FY 2024 Request (000)</b>	<b>FY 2025 Request (000)</b>	<b>Change over FY 2024 (000)</b>	<b>FY 2025 Need (000)</b>
22	Transportation of Things	\$26	\$30	\$4	\$30

MSPB anticipates an uptick in shipping costs to support the shipment of IT peripherals to ROs/FOs.

***Rent, Communications, & Utilities***

<b>MOC</b>	<b>Description</b>	<b>FY 2024 Request (000)</b>	<b>FY 2025 Request (000)</b>	<b>Change over FY 2024 (000)</b>	<b>FY 2025 Need (000)</b>
23	Rent, Communications & Utilities	\$5,169	\$4,838	(\$331)	\$4,838

Rent is the primary cost in this category, and it supports MSPB’s nine offices around the country. The sustainment of adequate office space for meaningful in-person work across agency components is essential for MSPB to provide excellent service to our constituencies. MSPB carefully assessed options to downsize the organization’s footprint with an emphasis on driving down costs while still supporting in-person hearings and providing workspaces for MSPB employees to support and facilitate meaningful in-person work. An initial outcome was to move the New York Field Office to a smaller office location to save approximately \$150,000 per year, which is reflected in this budget request.

Telecommunication rentals is another cost driver in this category. MSPB anticipates that the cost for the Enterprise Infrastructure Solutions contract renewal will decrease slightly in FY 2025, as the network will be in the sustainment phase of the network lifecycle.

***Printing***

<b>MOC</b>	<b>Description</b>	<b>FY 2024 Request (000)</b>	<b>FY 2025 Request (000)</b>	<b>Change over FY 2024 (000)</b>	<b>FY 2025 Need (000)</b>
24	Printing	\$37	\$21	(\$16)	\$21

MSPB uses the Government Publishing Office (GPO) for publishing in the Federal Register, procuring photocopy services, and accessing the GPO Express program. MSPB has been using electronic distribution methods, which has reduced our printing costs.

***Other Contractual Services***

<b>MOC</b>	<b>Description</b>	<b>FY 2024 Request (000)</b>	<b>FY 2025 Request (000)</b>	<b>Change over FY 2024 (000)</b>	<b>FY 2025 Need (000)</b>
<b>25</b>	<b>Other Contractual Services</b>	<b>\$4,010</b>	<b>\$4,427</b>	<b>\$417</b>	<b>\$4,738</b>

This category funds critical operations via interagency agreements with other Government agencies for accounting, purchasing, and travel services (from the Bureau of the Fiscal Service (BFS)); personnel services (from the U.S. Department of Agriculture’s (USDA) Animal and Plant Health Inspection Service (APHIS)); and payroll services (from USDA’s National Finance Center (NFC)). Additionally, MSPB relies on the U.S. Coast Guard and the Federal Trade Commission for ALJ services. Other essential services are supported in this category as well, such as court reporting, IT operations and maintenance, annual independent financial statement audit, and training.

The FY 2025 Need contains additional requirements above the normal cost of operations. MSPB will require the ability to sustain on-site help desk services to support all MSPB employees to enable MSPB’s existing IT staff to dedicate their time to modernization projects and hardening MSPB’s cybersecurity posture.

***Supplies & Materials***

<b>MOC</b>	<b>Description</b>	<b>FY 2024 Request (000)</b>	<b>FY 2025 Request (000)</b>	<b>Change over FY 2024 (000)</b>	<b>FY 2025 Need (000)</b>
<b>26</b>	<b>Supplies &amp; Materials</b>	<b>\$351</b>	<b>\$368</b>	<b>\$17</b>	<b>\$392</b>

This category funds electronic subscriptions (e.g., Westlaw and other legal research materials), which are most of the costs and are critical to MSPB operations. General office supplies and IT peripheral devices such as keyboards and cables are included in this category. The additional \$24,000 in the FY 2025 Need supports a 33% telephone hardware refresh.

***Equipment***

<b>MOC</b>	<b>Description</b>	<b>FY 2024 Request (000)</b>	<b>FY 2025 Request (000)</b>	<b>Change over FY 2024 (000)</b>	<b>FY 2025 Need (000)</b>
<b>31</b>	<b>Equipment</b>	<b>\$2,188</b>	<b>\$1,915</b>	<b>(\$273)</b>	<b>\$1,962</b>

This category contains cybersecurity efforts in line with EO 14028 and regulatory guidance. In addition, a 25% refresh of MSPB's laptop inventory is planned for FY 2025. Software for IT operations are also funded from this category, as are hard-copy law books and publications. Lastly, the FY 2025 Need includes \$47,000 for the replacement of MSPB's HQ HVAC systems, which are end-of-life and end-of-service.

**Budget Schedule O - Object Classification (thousands of dollars)**

	<b>FY 2023 Actual</b>	<b>FY 2024 Request</b>	<b>FY 2025 Request</b>	<b>Change over FY 2024</b>	<b>FY 2025 Need</b>
<b>Direct Obligations:</b>					
Personnel Compensation	\$28,141	\$35,792	\$31,085	(4,707)	\$36,764
Civilian Personnel Benefits	9,709	11,205	10,081	(1,124)	11,345
Travel of Persons	148	410	235	(175)	245
Transportation of Things	9	26	30	4	30
Rental payments to GSA	3,820	3,914	3,768	(146)	3,768
Rental Payments to Others	83	121	80	(41)	80
Communications, Utilities, and Miscellaneous Charges	1,182	1,134	990	(144)	990
Printing and Reproduction	25	37	21	(16)	21
Other Services	2,364	975	1,140	165	1,208
Other Purchases of Goods and Services from Government Accounts	2,183	1,920	1,882	(38)	1,882
Maintenance of Facilities	33	22	20	(2)	20
Maintenance of Equipment and Software	802	1,093	1,385	292	1,628
Supplies & Materials	264	351	368	17	392
Equipment/Lease Improvement	722	2,188	1,915	(273)	1,962
<b>Direct Obligation. . .</b>	<b>49,485</b>	<b>59,188</b>	<b>53,000</b>	<b>(6,188)</b>	<b>60,335</b>
Reimbursable Obligations. . .	2,345	2,345	3,075	730	3,075
<b>Total New Obligations. . .</b>	<b>51,830</b>	<b>61,533</b>	<b>56,075</b>	<b>(5,458)</b>	<b>63,410</b>

**Budget Schedule Q - Employment Summary**

	<b>FY 2024 Request</b>	<b>FY 2025 Request</b>	<b>Increase (decrease) over FY 2024</b>	<b>FY 2025 Need</b>
Direct:				
Civilian full-time equivalent employment	224	194	(30)	222
Reimbursable:				
Civilian full-time equivalent employment	12	14	2	14
<b>Total...</b>	<b>236</b>	<b>208</b>	<b>(28)</b>	<b>236</b>

In the FY 2024 President’s Budget, MSPB requested 236 FTEs to fully support MSPB’s adjudication and research operations. However, the current FY 2025 request, in alignment with the President’s Budget request, results in a reduction of 28 FTEs or a 12% decrease in FTE authorization. This decrease forces MSPB to make tradeoffs to sustain MSPB programs to support the agency’s priorities such as the elimination of the inherited inventory.

With regards to the reimbursable authority FTE increase, MSPB has been held at \$2,345,000 in transfer authority to support retirement appeals since FY 2013. This authority previously supported up to 18 FTEs. Since FY 2013, there have been subsequent pay raises, which over time reduced the number of reimbursable FTEs. OMB and OPM acknowledged the budget disparity and support a \$730,000 increase in transfer authority in FY 2025, raising the control in FY 2025 to \$3,075,000.

**Conclusion**

The merit system principles are designed to ensure fair treatment of employees, protect employees from misuse of authority, and promote a public-interest-first posture across the Federal Government. A Federal employee’s removal, suspension of more than 14 days, reduction in grade or pay, and allegations of whistleblower reprisal, among numerous other actions, are appealable to the Board. There are approximately 1,462 cases remaining in the inherited inventory (as of February 29, 2024) awaiting action by the Board members—cases that involve people who believe they have been unjustly treated in the Federal workplace or in other areas of MSPB’s jurisdiction. Some of these individuals and their families have been waiting for a decision in their appeal for more than five years while MSPB was without a quorum and unable to issue Board-level decisions. Additionally, the agencies involved in these cases have been awaiting finality for years, in many instances effectively prevented from moving forward with hirings, reinstatements, and other actions.

MSPB continues to pursue strategies to prioritize our work, appropriately deploy our very limited resources, and modernize our IT while trying to respond to cybersecurity requirements for the safety and protection of our workforce and the Federal employees and agencies we serve. However, without sufficient budgetary resourcing to staff the agency appropriately, MSPB will be increasingly unable to meet statutorily mandated adjudicatory processing deadlines, forced to work through the inherited case inventory at a reduced pace, limited in the outreach and educational services it can perform on behalf of the Federal personnel community, and unable to issue merit systems studies and publications with the same frequency and scope as in prior years. Given these deleterious consequences for the agency's mission, with their resulting impact on the overall efficiency of the civil service, MSPB respectfully requests Congress' consideration and support for our FY 2025 budget.

## **About MSPB**

MSPB has its origin in the Pendleton Act of 1883, which established the Civil Service Commission (CSC) and a merit-based employment system for the Federal Government. The Pendleton Act was passed after the assassination of President Garfield by a disgruntled Federal job seeker and grew out of the 19th century reform movement to curtail the excesses of political patronage in Government and ensure a stable, highly qualified workforce to serve the public. Over time, it became clear that the CSC could not properly, adequately, and simultaneously set managerial policy, protect the merit systems, and adjudicate appeals. Concern over the inherent conflict of interest in the CSC's role as both rule-maker and judge was a principal motivating factor behind the passage of the Civil Service Reform Act of 1978 (CSRA). The CSRA replaced the CSC with three new agencies: MSPB as the successor to the CSC in its quasi-judicial capacity; OPM to serve as the President's agent for Federal workforce management policy and procedure; and the FLRA to oversee Federal labor-management relations. The CSRA also codified for the first time the values of the merit systems as MSPs and defined PPPs.

## **Board Organization**

The Board members are the Chairman, Vice Chairman, and Member (but currently include the Acting Chairman and one Member). Board members are nominated by the President and confirmed by the Senate and serve overlapping, non-renewable, seven-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 before them. By statute, the Chairman is the chief executive and administrative officer of MSPB. The office directors report to the Chairman through the Executive Director. The agency has its HQ in Washington, DC, with six regional and two field offices located throughout the United States in which AJs adjudicate cases at the initial appeal level, akin to a trial court.

## **Providing and Using Administrative Data for Statistical Purposes**

MSPB does not have administrative datasets with the potential for statistical use as outlined in OMB Memorandum M-14-06, "Guidance for Providing and Using Administrative Data for Statistical Purposes." However, statistical data can be found in the Board's Annual Reports, available at [www.mspb.gov](http://www.mspb.gov). The Annual Reports contain summaries of significant opinions issued by MSPB's reviewing courts, case-processing data for initial appeals and Board cases, and summaries of other merit systems activity, including studies and related material posted on MSPB's website. They also contain a review of OPM significant actions; summaries of MSPB's congressional, international, and outreach activities; and citations to MSPB work, internal management issues, and the external factors that affect the Board's work.

## **Adjudication**

The majority of cases brought to the Board are appeals of adverse actions—that is, removals, suspensions of more than 14 days, reductions in grade or pay, and furloughs of 30 days or less. The next-largest number of cases involves individual right of action cases, followed by appeals of OPM and some agency determinations in retirement matters. Congress has given the Board jurisdiction to hear cases and complaints filed under a variety of other laws, including the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. § 4301 et seq.; the Veterans Employment

Opportunity Act, 5 U.S.C. § 3330a et seq.; the Whistleblower Protection Act (WPA); P. L. 101-12; the WPEA, P. L. 112-199; NDAA for FY 2017, P.L. 114-328; the Veteran Affairs Accountability and the Whistleblower Protection Enhancement Act, P. L. 115-41; the Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017, P.L. 115-73; the NDAA for FY 2023, P.L. 117-263; and additional authorities listed in the regulation set out at 5 C.F.R. § 1201.3.

Other types of actions that may be appealed to the Board include performance-based removals or reductions in grade; denials of a within-grade increase; RIF actions; suitability determinations; OPM employment practices (the development and use of examinations, qualification standards, tests, and other measurement instruments); denials of restoration or reemployment rights; and certain terminations of probationary employees.

At the outset of a case, an appellant files an appeal with the appropriate MSPB regional or field office having geographical jurisdiction. An AJ in the office, under the supervision of a Regional Director and the Office of Regional Operations, ensures that the parties receive the procedures called for in the law and MSPB's regulations and, after providing a full opportunity to develop the record on all relevant matters (including a hearing when requested), issues an initial decision. MSPB's regional and field offices have issued 4,551 initial and addendum decisions in FY 2023 (as of September 30, 2023). Due to the pandemic, beginning in March 2020, the ROs/FOs adjusted their processes and procedures to conduct hearings in a virtual environment and continued to adjudicate appeals. Since October 2022, in-person hearings again have been offered in the ROs/FOs. Unless a party files a PFR with the Board, the initial decision becomes final 35 days after issuance. Any party, OPM, or OSC may petition the full Board in Washington, DC, to review the initial decision. When a PFR is filed, OAC performs the first substantive review of all PFRs, and most other types of cases received at HQ, and drafts decisions for those cases for the Board's consideration. The Office of the Clerk of the Board performs all ministerial functions associated with the PFR process. The Board's decision on the PFR constitutes the final administrative decision on the appeal. A total of 1,884 HQ cases have been adjudicated for FY 2023 (as of September 30, 2023), the majority of which were from the inherited inventory, which was 3,793 cases at the time the quorum was restored on March 4, 2022. About 39% of the inherited inventory remains to be adjudicated (as of February 29, 2024).

The Board's final decision, whether it is an initial decision of an AJ that has become final or the Board's decision on a PFR, may be appealed to the U.S. Court of Appeals for the Federal Circuit or, in cases involving allegations of discrimination, to a U.S. District Court or the Equal Employment Opportunity Commission (EEOC). In addition, certain cases involving allegations of reprisal for whistleblowing may be appealed to any of the U.S. circuit courts of appeals of competent jurisdiction. The Office of the General Counsel (OGC) represents MSPB in litigation, defending decisions of the Board in the U.S. Court of Appeals for the Federal Circuit and, in certain cases involving whistleblower claims, in other federal circuit courts. Additionally, due to changes in the law regarding what constitutes a "mixed case" (i.e., certain cases involving both civil service claims and discrimination claims), OGC increasingly has been working with United States Attorneys' Offices on mixed cases transferred from the Federal Circuit to federal district courts.

If a party in a case believes that the other party is not complying with an MSPB order or a settlement agreement entered into the record for MSPB enforcement, the party can file a petition for enforcement with the regional or field office that issued the initial decision. Once the AJ issues an initial decision, which may find compliance, non-compliance, or partial compliance, depending on

the number of issues raised, either party may file a PFR with the full Board. Additionally, even if neither party files a PFR of an initial decision finding non-compliance, MSPB's regulations require that the case be referred to the full Board to ensure that the non-complying party has reached compliance.

In addition to adjudicating cases on the merits, MSPB provides ADR services to assist parties in resolving their cases. Use of these services is voluntary; however, these services provide the parties with more control over the process and can resolve a case effectively, often saving time and reducing costs for the appellant, their agency, MSPB, and the Government through this less formal and procedure-driven process.

### **Mediation Appeals Program**

The Mediation Appeals Program (MAP) offers the services of the agency's trained and certified mediators as an alternative to the formal appeal processes and procedures of MSPB's regulations. Mediators facilitate a discussion between the parties in a confidential setting to help them identify issues and barriers to an agreement that will aid in resolving their disputes and settling the appeal quickly, economically, and to the benefit of all concerned. Unlike traditional mediation, MAP charges no fees. Both parties must agree to its use before the appeal will be accepted for the MAP process, and both must agree on its resolution before any settlement is concluded. Unlike the traditional appeal process, the parties control the result of the case under the skilled guidance of the mediator, who plays no role in deciding the appeal should they not reach an agreement. Importantly, because most mediations occur near the beginning of adjudication, MAP saves time and money for Federal employees and agencies who resolve their cases through this process.

Because of these advantages, MAP has become a popular and successful program, as shown by the increasing number of cases that have been mediated since the program's inception. Further, MAP mediators successfully settled more than half of the appeals referred to mediation. Moreover, even when the case ultimately is resolved by a decision, the mediation process often helps sharpen the parties' focus on the matters truly in dispute and the resolution they seek.

### **Merit Systems Studies and OPM Oversight**

The Board has the statutory responsibility to conduct studies of the civil service and other merit systems in the executive branch and submit the resulting reports to the President and Congress. The studies support strong and viable merit systems, which protect the public's interest in a high-quality, professional workforce managed under MSPs and free from PPPs. The studies are based on objective, independent research that assesses and evaluates Federal merit system policies, operations, and practice from a long-term perspective. This function, in conjunction with the agency's adjudication of individual appeals and its authority to review OPM regulations, ensures that the Board has the full legal authority necessary to oversee Federal merit systems at the systemic level and to remedy PPPs on an individual level. MSPB studies address the variety of challenges facing the Federal Government in managing its workforce.

## **Publications Issued FY 2022–FY 2023**

The most recent reports were transmitted to the President and Congress in December 2022 and February 2023. Prior to that, no reports had been submitted since the loss of quorum in January 2017. The recent reports have led to numerous requests for agency consultations on efforts to assess workforce health, opportunities to increase diversity and inclusion, and frameworks to develop strategic plans to address employee engagement and performance. These consultations leverage MSPB data to help agencies drive adherence to merit principles in their workforce management.

In addition to regular editions of the *Issues of Merit* newsletter, MSPB's OPE issued the following reports and other publications over the past few years:

[\*Sexual Harassment in Federal Workplaces: 2021 Update\*](#) (June 2023). This research brief summarizes the results from MSPB's most recent survey of Federal employees regarding their experiences with sexual harassment, and their perspectives on their agencies' efforts to prevent and address sexual harassment. The brief further examines actions that employees took (or chose not to take) in response to sexual harassment and their perceptions of the outcomes of these actions.

[\*Perceptions of Prohibited Personnel Practices: An Update\*](#) (February 2023). This report analyzes survey data from 2010, 2016, and 2021 to track the prevalence of PPP perceptions, address the roles of the perceived offenders, and explain the potential consequences of a culture where PPPs are perceived.

[\*Sexual Harassment in Federal Workplaces: Understanding and Addressing the Problem\*](#) (December 2022). This report evaluates the prevalence of sexual harassment in Federal workplaces and Federal agency efforts to prevent and respond to such harassment.

[\*U.S. Merit Systems Protection Board Research Agenda 2022–2026\*](#) (September 2022). This publication articulates a Research Agenda that broadly defines the topics that MSPB considers most important and promising for study in the near term. OPE did extensive stakeholder outreach to select 44 topics across six major areas of research to drive OPE research through 2026: Defending Merit; Building an Effective Workforce; Recruitment and Hiring; Pay and Performance Management; Supervision and Leadership; and OPM Oversight.

### *Other Studies Activity*

Current and future studies activity is significantly restricted due to staffing. Without the ability to backfill critical technical staff vacancies, almost all new research activities are on pause. This includes execution for the planned 2023 Merit Principles Survey that would have provided data to support several topics on the Research Agenda, such as whistleblowing protections, fair and equitable treatment in the Federal workplace, employee engagement, supervisory and employee challenges with performance management, and dual career tracks for supervisors and technical specialists. Moreover, 2026 Merit Principles Survey planning activities may be delayed due to the lack of resources. The Merit Principles Survey is regarded across the Federal Government as a unique source of data on perceptions of workplace climate and personnel practices and is regularly cited by other agencies, such as GAO and OPM, and by independent researchers and public interest groups, such as the National Academy of Public Administration and the Partnership for Public Service.

Further, evaluation and oversight activities that support our mandate to review OPM significant actions are limited because of current staffing issues.

### **Information Technology**

MSPB's Office of Information Resources Management (IRM) designs, develops, implements, and maintains the agency's IT infrastructure, systems, and cybersecurity program. IRM's mission is to support the secure, modern, efficient, and cost-effective use of IT at MSPB. Our vision—supported by several active projects—is to migrate all MSPB business systems to a cloud-based architecture. IRM provides technical and operational support to MSPB to guarantee IT efficiency, effectiveness, compliance, and cybersecurity to enable the agency's mission. Additionally, MSPB's leadership supports and promotes the private, secure, and effective use of agency data. To that end and subject to available resources, MSPB will continue to improve software tools, onboard resources, and identify opportunities to improve use of agency data for better organizational management, mission execution, and customer service.

### **Human Resources**

MSPB contracts with USDA's APHIS for selected human resources administrative and operational services through an interagency agreement. The agreement is developed between the two agencies and monitored in MSPB's Office of Financial and Administrative Management.

MSPB contracts with Federal Occupational Health (FOH), a service unit within the U.S. Department of Health and Human Services' Program Support Center, to provide basic occupational health services to all its employees throughout the country. In addition, the agency contracts with FOH to offer all employees access to the Employee Assistance Program (EAP). The EAP assists agency employees by providing both prevention and intervention for employee problems, which improves employee health, functioning, and workplace performance. MSPB's agreement with FOH provides for a comprehensive EAP, delivering short-term, problem-focused counseling and a variety of services.

Additionally, it is of the utmost importance to MSPB leadership that the agency hires and retains a diverse and highly qualified legal, research, analytical, IT, and administrative workforce to support MSPB's mission now and in the future.

### **Financial Management**

MSPB has initiated cross-servicing agreements with the Treasury Department's BFS for its accounting, financial auditing, purchasing, and travel-related services and support. Since 2002, BFS has processed MSPB's administrative payments and prepared its accounting reports. The Board has received unqualified/unmodified opinions on its audits since the agency has been subject to audits of its financial statements.

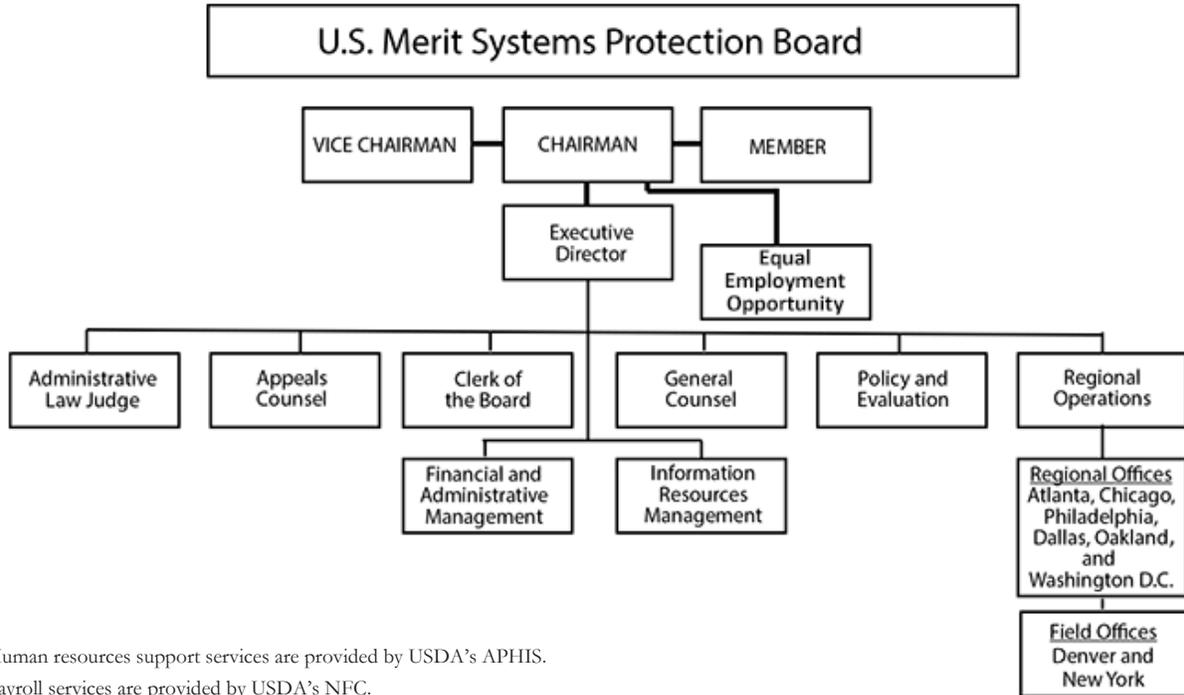
In addition to the agreement in place for personnel services, MSPB contracts with USDA's NFC for processing payroll and payroll-related activities, including earnings and leave statements, W-2 information, and debt management. The cross-servicing relationships with these organizations have provided MSPB with timely responses and more accurate processing of information from larger

pools of knowledgeable staff than would be possible with a smaller, in-house staff alone. BFS, APHIS, and NFC have the resources to stay current with the latest technologies, thereby providing these services efficiently and economically.

### **Equal Employment Opportunity**

MSPB's Office of Equal Employment Opportunity (OEEO) plans, implements, and evaluates the agency's affirmative employment programs and initiatives; advises MSPB's leadership, senior executives, managers, and supervisors about these programs and initiatives; oversees diversity and inclusion initiatives; and provides all employees training on rights and remedies available under the anti-discrimination laws and whistleblower protection laws. OEEO provides equal employment opportunity complaint processing to current and former employees and applicants who allege discrimination. OEEO evaluates and reports MSPB's complaint data to Congress, EEOC, OPM, and other external stakeholders; and workforce demographics by occupation and grade to the EEOC. The OEEO Director also coordinates MSPB's Diversity and Inclusion Council.

**Organization Chart**



Human resources support services are provided by USDA's APHIS.

Payroll services are provided by USDA's NFC.

Accounting services are provided by the Department of the Treasury's BFS.

Office of Administrative Law Judge functions are performed by ALJs employed by the U.S. Coast Guard and Federal Trade Commission under reimbursable interagency agreements.

## List of Abbreviations and Acronyms

ADR	Alternate Dispute Resolution
AJ	Administrative Judge
ALJ	Administrative Law Judge
APHIS	Animal and Plant Health Inspection Service
BFS	Bureau of the Fiscal Service
CSC	Civil Service Commission
CSRA	Civil Service Reform Act of 1978
DHS	Department of Homeland Security
DOD	Department of Defense
EAP	Employee Assistance Program
EEOC	Equal Employment Opportunity Commission
EO	Executive Order
FBI	Federal Bureau of Investigation
FedRAMP	Federal Risk and Authorization Management Program
FISMA	Federal Information Security Modernization Act
FOH	Federal Occupational Health
FLRA	Federal Labor Relations Authority
FTE	Full-Time Equivalent
FY	Fiscal Year
GPO	Government Publishing Office
GSA	General Services Administration
HQ	Headquarters
ID	Initial Decision
IRM	Office of Information Resources Management
IT	Information Technology

MAP	Mediation Appeals Program
MSPs	Merit System Principles
MSPB	Merit Systems Protection Board
NDAA	National Defense Authorization Act
NFC	National Finance Center
NIST	National Institute of Standards and Technology
OAC	Office of Appeals Counsel
OEEO	Office of Equal Employment Opportunity
OGC	Office of the General Counsel
OMB	Office of Management and Budget
OPE	Office of Policy and Evaluation
OPM	Office of Personnel Management
OSC	Office of Special Counsel
PFR	Petition for Review
PIP	Performance Improvement Period
PPPs	Prohibited Personnel Practices
RIF	Reduction in Force
ROs/FOs	Regional Offices and Field Offices
SaaS	Software as a Service
TSA	Transportation Security Administration
TSO	Transportation Security Officer
USDA	U.S. Department of Agriculture
WPA	Whistleblower Protection Act
WPEA	Whistleblower Protection Enhancement Act of 2012