Mr. James V. Blair
Deputy Associate Solicitor for Administrative Legal Services (Acting)
U.S. Department of Labor
200 Constitution Avenue, NW, Room N2424
Washington, D.C. 20210

Dear Mr. Blair:

The U.S. Merit Systems Protection Board (MSPB) is planning a major revision to its regulations in 5 C.F.R. Parts 1201, 1208, and 1209. An internal working group has done an in-depth review of those regulations and identified a number of proposed revisions, which are contained in the attached table. Ultimately, this will take the form of notice-and-comment rulemaking via the Federal Register, as required by the Administrative Procedure Act, 5 U.S.C. § 553. Before undertaking formal rulemaking, however, we are seeking input from our stakeholders in accordance with the public participation requirement in Executive Order 13563 “Improving Regulation and Regulatory Review.” As someone who is interested in MSPB, this is your opportunity to comment on our regulatory effort before drafting a formal notice of proposed rulemaking.

We note at the outset that we would welcome any comments or suggestions individual stakeholders may have as to MSPB’s adjudicatory regulations, regardless of whether your comments and suggestions relate to the specific matters addressed in the table created by our internal working group. We want you to be aware of the specific suggestions made by that group, and the rationale for making the suggested changes, so that we can get any comments you might have regarding those particular recommended changes. We emphasize that the suggestions in the attached table should be considered as preliminary and tentative in nature. No decisions have yet been made as to which suggestions will become part of the notice of proposed rulemaking, or the precise language of any proposed revisions to our regulations.

Written comments must be received no later than November 30, 2011. In addition, those who have provided written comments may be invited to an in-person meeting where Board staff will receive oral comments from individual stakeholders. In accordance with the “open exchange” requirement set forth in Executive Order 13563, all written comments received from stakeholders will be published on the Board’s website. In addition, a recording and/or transcript of any stakeholder meetings that may be held will also be made available to the public on the Board’s website.
Our strong preference is that you submit your written comments in electronic form as an attachment to an email message addressed to mspb@mspb.gov, (subject line “Regulation Revision Comments”). Any common electronic format such as a word-processing application, PDF, or HTML is acceptable. You may, however, submit your comments in written form addressed to the Clerk of the Board, 1615 M Street, NW, Washington, D.C. 20419. If you would like a copy of the attached table in electronic form (the electronic version of the table contains hyperlinks to many of the cited legal authorities), please advise by email to the address listed above.

Thank you in advance for your assistance and participation in this comprehensive review of the Board’s regulations. We look forward to receiving your comments and suggestions.

Sincerely,

Susan Tsui Grundmann

Enclosure: MSPB Regulation Review Table
cc:

James V. Blair
Deputy Associate Solicitor for Administrative Legal Services (Acting)
U.S. Department of Labor
200 Constitution Avenue, NW,
Room N2424
Washington, D.C. 20210

Charles A. Blanchard
General Counsel
U.S. Department of the Air Force
1740 Air Force Pentagon
Washington, D.C. 20330-1740

Neil Bonney
Bonney, Allenberg & O'Reilly
4854 Haygood Road, Suite 200
Virginia Beach, VA 23455

Carol A. Bonosaro
President
Senior Executives Association
77 K Street, NE, Suite 2600
Washington, D.C. 20002

William L. Bransford
Shaw, Bransford & Roth
1100 Connecticut Avenue, NW
Suite 900
Washington, D.C. 20036

Peter B. Broida
2009 N. 14th Street
Suite 705
Arlington, VA 22201

Terisa E. Chaw
Executive Director
National Employment Lawyers Association
1828 L Street, NW, Suite 600
Washington, D.C. 20036

Dana K. Chipman
The Judge Advocate General
U.S. Department of the Army
2200 Army Pentagon
Washington, D.C. 20310-2200

George M. Chuze
Kalijari, Chuze & Newman, P.C.
1901 L Street, N.W.
Suite 610
Washington, D.C. 20036-3542

Thomas Devine
Legal Director
Government Accountability Project
1612 K Street, NW, Suite 1100
Washington, D.C. 20006

William Dougan
National President
National Federation of Federal Employees
805 15th Street, NW, Suite 500
Washington, D.C. 20005

Beatrice Edwards
Executive Director
Government Accountability Project
1612 K Street, NW, Suite 1100
Washington, D.C. 20006

Ivan K. Fong
General Counsel
U.S. Department of Homeland Security
245 Murry Lane, Mail Stop 3650
Washington, D.C. 20528

John Gage
National President
American Federation of Government Employees, AFL-CIO
80 F Street, N.W.
Washington, D.C. 20001

Mary Anne Gibbons
General Counsel and Executive Vice President
U.S. Postal Service
475 L’Enfant Plaza, SW, Suite 6004
Washington, D.C. 20260-0010

Will A. Gunn
General Counsel
U.S. Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20420