

Organization Functions & Delegations of Authority

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1 ORGANIZATION AND FUNCTIONS

1.1 PURPOSE

This Manual has two main sections:

The first section describes the organization of the U.S. Merit Systems Protection Board (MSPB) under the operational levels of the Board, the Chairman, and the Executive Director*, and documents the assignment of agency functions. The Chairman, as the agency's Chief Executive Officer, delegates overall responsibility for agency operations to the Executive Director. The Executive Director assigns responsibility for functions to agency offices and office heads. This section provides an overview of MSPB functions.

The second section outlines specific delegations of adjudicatory and administrative authorities.

The Office of the Clerk of the Board is responsible for maintaining this Manual. Requests for changes may be proposed by any office. The Office of the Clerk of the Board is also responsible for coordinating and clearing proposed changes with other offices and for incorporating any approved changes after consultation with the Executive Director.

1.2 OVERVIEW OF FUNCTIONS

The functions covered by this Manual are:

1.2.1 Legal, Enforcement, and Ministerial Functions

Legal and ministerial functions include functions that support the Board's statutory adjudicatory mission -- such as regional preparation of initial decisions and orders, Office of Appeals Counsel/Office of the General Counsel preparation of draft decisions for the Board, enforcement of Board decisions, legal research, and creating and managing case files -- as well as litigation, legal advice, and other legal functions. Legal and ministerial functions are performed by the regional and field offices and the legal offices at headquarters including the Offices of Regional Operations, Administrative Law Judge, Appeals Counsel, General Counsel, and Clerk of the Board.

1.2.2 Studies and OPM Oversight Functions

Studies functions include research, surveys, analysis of findings, and preparation of reports for approval by the Board in connection with MSPB's statutory merit systems studies authority. Studies functions are performed at headquarters by the Office of Policy and Evaluation. OPM

* The position of Executive Director is the same position as Chief of Staff. For ease of reference, however, only the title Executive Director is used in this document.

oversight functions include reviewing OPM regulations or the implementation of OPM regulations and taking action to enforce correction or termination of regulations that would require commission of a Prohibited Personnel Practice (PPP). In addition, MSPB reviews the significant actions of OPM and reports on the impact of these actions on Merit System Principles and PPPs. OPM oversight functions are performed by headquarters legal offices and by the Office of Policy and Evaluation.

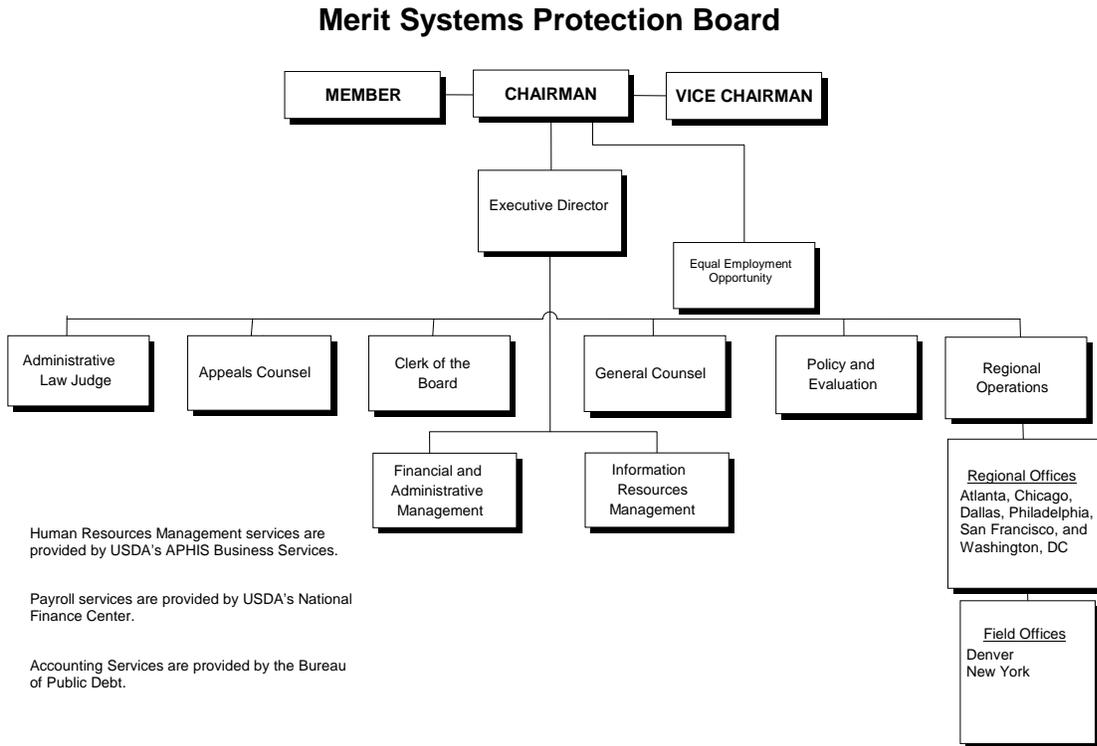
1.2.3 Administrative and Management Support Functions

Administrative and management support functions include equal employment opportunity; human resources; procurement; budget; facilities and space management; accounting; coordination of security services for MSPB facilities and personnel; information technology; public information (including the MSPB website); Freedom of Information Act (FOIA) and Privacy Act compliance; mail room; records management; audits; MSPB strategic and performance planning, measurement, program evaluation, and performance reporting; congressional correspondence; legislative relations and analysis; and media relations. All headquarters offices and regional offices perform administrative and management functions to some degree, and, as enumerated elsewhere in this manual.

1.3 COORDINATION AND CLEARANCES

Offices must be aware of the need for coordination and clearance in the exercise of their functions. It is also important to keep other MSPB office functions in mind when dealing with external legislative offices and the media to ensure information consistency. The Office of the General Counsel should be consulted regarding congressional inquiries (except for case-related inquiries) and the Office of the Clerk of the Board should be consulted when preparing case statistics for distribution outside the agency and to coordinate media and public relations/information requests. Internally, changes in work flow and/or policies that would affect the operations of another office must be cleared with that office before such changes are sent to the Executive Director/Chairman for approval.

1.4 MSPB ORGANIZATION CHART

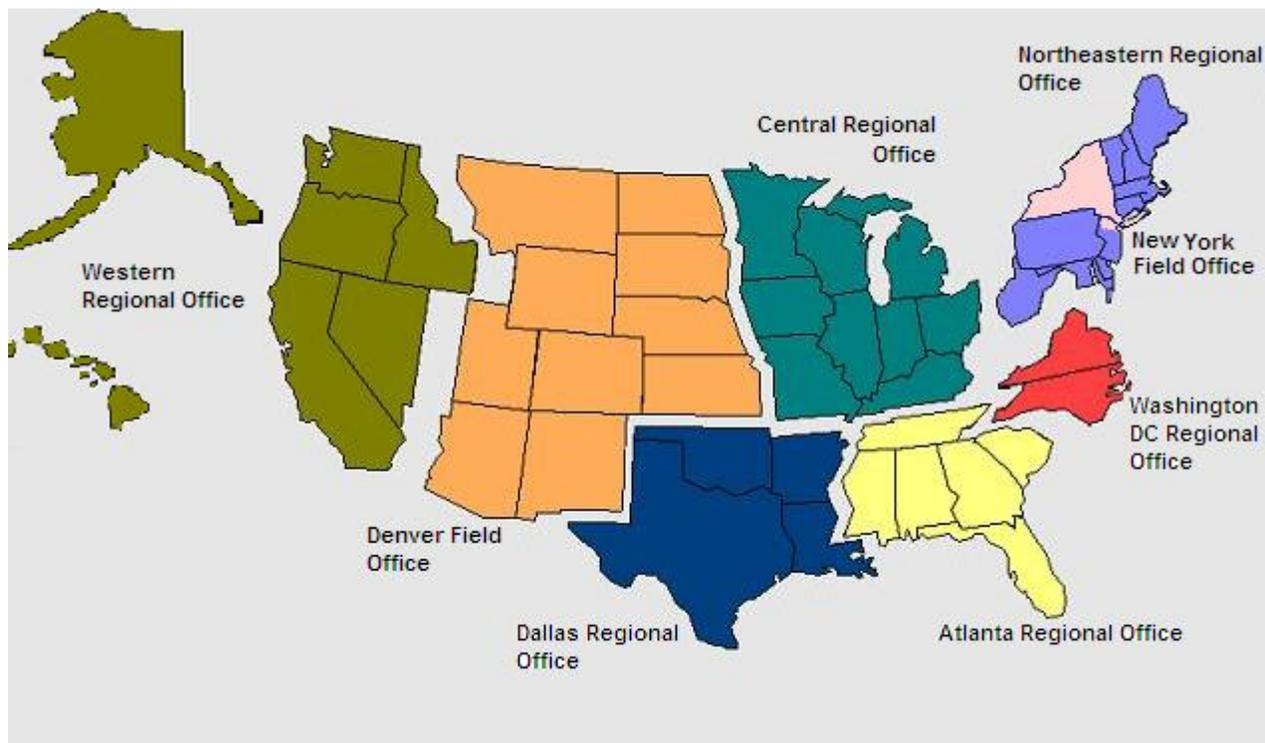


Throughout this Manual, “Board” refers to all three Board Members, and “MSPB” refers to the agency as an entity.

1.5 EXECUTIVE COMMITTEE

The Executive Committee provides a forum for senior leadership to examine, consider, and recommend actions to the Board Chairman and/or Executive Director. Its scope includes internal procedures and general policies, cross-agency budget issues, and human resources issues. The Executive Director serves as the Chair of the Executive Committee, and the Clerk of the Board serves as the Vice Chair. The Executive Committee has four standing Subcommittees: Hiring; Knowledge Management; Safety and Security; and Training and Development. The Chair of the Executive Committee can authorize temporary working groups to examine special projects or unusual issues.

1.6 REGIONAL & FIELD OFFICE JURISDICTIONS



1.7 OFFICE OF REGIONAL OPERATIONS AND REGIONAL/FIELD OFFICES

The Office of Regional Operations (ORO) provides direction and coordination to the regional offices in carrying out their adjudicatory, management, and administrative functions. The primary mission of the regional and field offices is to hear and decide appeals and other assigned cases.

Functions assigned to ORO and the regional offices are:

1. Ensure that MSPB adjudicatory, management, and administrative policies are implemented consistently throughout the regional and field offices;
2. Carry out its stated mission to hear and decide appeals and other assigned cases;
3. Perform legal support functions (e.g., creating and managing case files) in connection with cases adjudicated in the regional and field offices;
4. Recommend changes in policy and/or regulations on matters related to adjudication, management, and administration in the regional and field offices;
5. Manage the alternative dispute resolution (ADR) program in the regional adjudication process;
6. Manage the Mediation Appeals Program (MAP) program for the agency;

7. Review decisions of administrative judges for quality, timeliness, and consistency with applicable laws, regulations, and policy;
8. Manage and coordinate the development and tracking of appeal deadlines;
9. Respond to Congressional, media, and public inquiries related to cases and other activities of the regional and field offices (must coordinate with OGC for non-case-related Congressional inquiries, and OCB for media and public relations/information);
10. Educate the parties who appear before MSPB, and the Federal community in general, about MSPB's rules, procedures, and decisions by doing outreach scheduled by the regional and field offices, or as requested by agencies, unions, and other organizations for which such training would be appropriate;
11. Administer regional and field offices' libraries and subscriptions;
12. Respond to FOIA and Privacy Act requests for records in the regional and field offices in coordination with OCB, as needed; and
13. Enter appropriate data into the case management system.

1.8 OFFICE OF THE ADMINISTRATIVE LAW JUDGE

The Office of the Administrative Law Judge (OALJ) adjudicates most cases arising under MSPB's original jurisdiction, e.g., Special Counsel actions, actions against ALJs, and SES performance-based removals, and other assigned cases.

Currently, MSPB uses ALJs from other Federal agencies to perform this adjudication function pursuant to interagency agreements.

1.9 OFFICE OF APPEALS COUNSEL

The Office of Appeals Counsel (OAC) performs legal research and prepares proposed decisions and orders for the Board in most cases filed at headquarters -- except for cases assigned to OALJ or OGC.

Functions assigned to OAC are:

1. Assist the Board by reviewing case records, performing legal research, and preparing proposed decisions and orders for the Board in the following matters:
 - a. Petitions for review (PFRs) of initial decisions issued by judges in appellate and original jurisdiction cases;
 - b. Recommendations on reopening cases on the Board's own motion;

- c. Court remands (when a determination has been made that a court remand should be processed by OAC);
 - d. Interlocutory appeals of rulings made by judges;
 - e. Hatch Act cases where an ALJ has issued a recommended decision;
 - f. Office of Special Counsel (OSC) initial stay requests (when authority has not been delegated by a Board Member to OALJ) and matters related to a Special Counsel stay request that has been granted (such as a request for extension or termination);
 - g. Requests for review of final arbitration decisions under 5 U.S.C. § 7121(d); and
 - h. Other cases as assigned by the Board, including petitions by the OPM Director that the Board reopen or reconsider a final decision in an appeal which OAC prepared the decision for the Board and requests for reconsideration of Board decisions by other parties.
2. Recommend changes in policy and/or regulations on matters related to adjudication;
 3. Provide legal memoranda to the Board with respect to Government-wide policies and other matters arising in the adjudication of cases;
 4. Compile and publish the list of significant issues pending before the Board (*Significant Issues List*);
 5. Compile and publish the weekly summary of Board decisions (*Weekly Case Report*);
 6. Provide legal support services to a Special Panel when one is convened;
 7. Provide advice and support for cases selected for oral argument; and
 8. Enter appropriate data into the case management system.

1.10 OFFICE OF THE GENERAL COUNSEL

The Office of the General Counsel (OGC), as legal counsel to MSPB, advises the Board and MSPB's organizational components on matters of law arising in day-to-day operations. The OGC prepares proposed decisions for the Board on assigned cases and represents MSPB in litigation and employment and labor relations matters. The office also coordinates MSPB's legislative policy and Congressional relations functions, responds to certain requests for information, develops regulations, and conducts MSPB's ethics program. It is responsible for MSPB's investigative functions under the Inspector General Act of 1978, 5 U.S.C. Appendix 3.

Functions assigned to OGC are:

1. Assist the Board by reviewing case records, performing legal research, and preparing proposed decisions and orders for the Board in the following matters:
 - a. Cases referred to the Board for enforcement upon a finding by a judge that a party is not in compliance with a final decision or order of the Board;
 - b. Reviews of an OPM regulation or implementation of an OPM regulation by an agency upon the request of an interested person or OSC, or on the Board's own motion (5 C.F.R. Part 1203);
 - c. Court remands (when a determination has been made that a court remand should be processed by OGC; such cases are reviewed initially by OGC and either retained in OGC, transferred to OAC, or remanded to a regional or field office); and
 - d. Other cases as assigned by the Board, including petitions by the OPM Director that the Board reopen or reconsider a final decision in an appeal which OGC prepared the decision for the Board.
2. Recommend changes in policy and/or regulations on matters related to adjudication in the office;
3. Provide legal opinions and advice to the Chairman, the Board Members, and MSPB offices;
4. Represent MSPB in litigation, monitor litigation pertaining to MSPB that is being handled by the Department of Justice, and advise the Board and affected MSPB offices on the effect of court decisions;
5. Seek enforcement under 5 U.S.C. § 1204(c) of subpoenas issued by a Board Member, judge, or other employee designated by the Board, or by OSC;
6. Coordinate the development of MSPB adjudicatory regulations and approval of such regulations by the Board;
7. Initiate changes, as required, to 5 C.F.R. Part 1200, "Board Organization;"
8. Review administrative regulations prepared by other offices;
9. Coordinate MSPB submissions for the Unified Agenda of Federal Regulations;
10. Conduct liaison activities with the Equal Employment Opportunity Commission (EEOC) with respect to mixed cases and with the Federal Labor Relations Authority (FLRA) with respect to labor relations matters;
11. Represent MSPB in labor-management matters including coordination of internal employee relations work with the Human Resources (HR) Director;
12. Represent MSPB in internal matters, including MSPB employee appeals and complaints;

13. Coordinate requirements under the Ethics in Government Act of 1978;
14. Review FOIA and Privacy Act appeals and prepare proposed decisions for the Chairman;
15. Perform legislative counsel, legislative policy, and Congressional relations functions; respond to inquiries from the White House and Congress (case-related correspondence in headquarters is managed by OCB in coordination with OGC); oversee MSPB responses to Congressional inquiries, as appropriate, to ensure information consistency; coordinate transmittal of reports and other information to Congress by or on behalf of other agency program offices;
16. Receive and process allegations of waste, fraud, abuse, and gross mismanagement directly or by referral from the telephone hotline maintained on behalf of the Board by the Inspector General Office of the U.S. Department of Agriculture through a cooperative agreement;
17. Oversee financial, information security, and other audits coordinated by other MSPB offices in collaboration with FAM;
18. Conduct MSPB's PFR settlement program; and
19. Enter appropriate data into the case management system.

1.11 OFFICE OF THE CLERK OF THE BOARD

The Office of the Clerk of the Board (OCB) receives and processes appeals filed at MSPB headquarters, rules on certain procedural matters, and issues the Board's decisions. The office serves as MSPB's public information center, including providing information on the status of cases, distributing copies of Board decisions and publications, operating headquarters' library and online information services, and managing headquarters' subscriptions. The office answers requests under FOIA and the Privacy Act at MSPB's headquarters and responds to all other information requests including requests from the media, Congress, and the White House, except those for which the Office of the General Counsel is responsible. The office certifies official records to the courts and Federal administrative agencies, manages MSPB's records systems, and manages the Government in the Sunshine Act program. The office also initiates, maintains, and manages MSPB's legal research databases, public website, and information publications, and prepares agency level statistics, in consultation with affected offices.

Functions assigned to OCB are:

1. Docket all cases filed at headquarters and create case files;
2. Review all Board orders, opinions and orders, and decisions for compliance with standard format requirements, grammatical and typographical accuracy, consistency with Board law, and accurate and appropriate case citations;
3. Issue all Board orders, opinions and orders, and decisions, including orders denying a petition for review in the event of a tie vote by the Board Members, and notices that a stay requested

by the Special Counsel has become effective by operation of law when the assigned Board Member does not act on the request;

4. Respond to requests for public information on adjudicatory and other agency matters, except for non-case related inquiries from the White House and Congress which are the responsibility of OGC, and inquiries regarding studies and surveys disseminated by OPE, which are the responsibility of OPE;
5. Sign and issue *Federal Register* notices, letters, orders, and other actions disposing of procedural or interlocutory matters, subject to the appropriate clearances, as well as coordinate the filing of documents with the Office of the Federal Register;
6. Execute subpoenas on behalf of the Board;
7. Receive subpoenas and other judicial orders and accept service of legal documents served on MSPB or any of its Members or staff in the exercise of any of the statutory or regulatory authorities of MSPB;
8. File certified indices, records, and/or excerpts from records with the appropriate court or Federal administrative agency, and request extensions of time for filing certified indices or records, when necessary;
9. Provide administrative support to a Special Panel when one is convened;
10. Perform legal and administrative support functions related to MSPB's responsibilities under the Government in the Sunshine Act;
11. Plan and prescribe records maintenance and disposition policies and procedures, and serve as custodian of the agency's official records and seal;
12. Ensure FOIA compliance, including developing regulations, policy statements, and/or procedures for disclosing information, processing FOIA requests, and informing agency employees and managers of their responsibilities under FOIA;
13. Ensure Privacy Act compliance, including developing regulations, policy statements, and/or procedures for complying with the Privacy Act, processing Privacy Act requests, and informing agency employees and managers of their responsibilities under the Act;
14. Distribute Board decisions and maintain liaison with publishers;
15. Manage the law library information center at MSPB headquarters, online legal research services, and databases;
16. Coordinate public affairs policy for MSPB, in consultation with affected offices, and manage the public affairs program, including public information, media relations, and publications in both print and electronic form - except reports of studies (which are the responsibility of OPE);

17. Oversee the content of MSPB's public website (www.mspb.gov);
18. Manage the International Visitors Program in conjunction with OPE;
19. Work with IRM and act as OMB liaison regarding MSPB compliance with the Federal Information Security and Management Act (FISMA) and the Government Paperwork Elimination Act (GPEA);
20. Coordinate MSPB compliance with the Government-wide guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated by agencies by preparing, clearing and issuing MSPB guidelines, acting on requests for correction of information disseminated by MSPB, and filing the Information Quality Annual Report with OMB;
21. Review and approve case processing statistics, workload reports, and related projections for accuracy and consistency, and prepare monthly workload reports and distribute them internally;
22. Act as "system owner" of the case management system, e-Appeal online, and QuickCase, and represent and coordinate broad user interests to ensure that all user requests are coordinated and authorized and that system development requests are prioritized for the most efficient use of limited IRM resources;
23. Maintain MSPB's Organization Functions & Delegations of Authority Manual;
24. Maintain and coordinate MSPB Directives System formats and distribution;
25. Act as liaison with the ALJs with whom we have contracted to perform the OALJ functions; and
26. Enter appropriate data into the case management system.

1.12 OFFICE OF POLICY AND EVALUATION

The Office of Policy and Evaluation (OPE) plans and conducts special studies of the civil service and other merit systems as required by statute, and prepares reports for approval by the Board for submission to the President and the Congress. The office disseminates information about MSPB's studies and responds to inquiries about them. The OPE also performs strategic planning and administers MSPB's performance measurement and reporting functions, including internal program evaluation as required by OMB Circular A-11.

Functions assigned to OPE are:

1. Develop a research agenda for approval by the Chairman with input from the other Board Members;

2. Conduct studies of Executive Branch merit systems to determine whether the public interest in a civil service free of prohibited personnel practices is being adequately protected (5 U.S.C. § 1204(a)(3));
3. Conduct reviews of OPM Significant Actions (5 U.S.C. § 1206);
4. Periodically conduct a Government-wide merit principles survey and other surveys using statistically valid sampling techniques, to gauge changes in perceptions of the merit-based civil service and to fuel other research studies;
5. Direct requests, as necessary in connection with studies, to agency heads for information or records about Federal employees, departments, and agencies, including OPM (5 U.S.C. § 1204(e)(3));
6. Distribute reports of studies, conduct outreach, and disseminate information about studies;
7. Provide data from MSPB studies in response to requests from agencies;
8. Conduct agency-specific studies under interagency agreements;
9. Respond to Congressional and Administration requests regarding studies in coordination with OGC;
10. Conduct research, as assigned, to meet the internal needs of MSPB and to meet the requirements for program evaluation of the Government Performance and Results Act (GPRA) as amended by the GPRA Modernization Act of 2010;
11. Coordinate development of and prepare MSPB's Strategic Plan, as required by GPRA;
12. Coordinate development of and prepare the GPRA-required Annual Performance Plan, forward to FAM for inclusion in the Performance Budget submissions to OMB and Congress;
13. Oversee quality of program performance data and data collection, including verification and validation of data as required by GPRA and OMB Circular A-11;
14. Coordinate development of and prepare the annual Performance and Accountability Report (PAR), incorporating the Annual Performance Report required by GPRA, the annual audited financial statements, the annual report required by the Federal Managers Financial Integrity Act (FMFIA), and other information;
15. Coordinate development of and prepare the MSPB Annual Report;
16. Ensure compliance with OMB or Administration initiatives and related laws, regulations, and directives;
17. Review appropriate agency-wide reports, including the annual submissions pursuant to GPEA, FISMA, and the Federal Activities Inventory Reform (FAIR) Act, to ensure

consistency with information presented in strategic planning and performance reporting documents; and

18. Recommend specific OPM regulations that should be reviewed by the Board under its own motion pursuant to 5 U.S.C. § 1204.

1.13 OFFICE OF INFORMATION RESOURCES MANAGEMENT

The Office of Information Resources Management (IRM) develops, implements, and maintains MSPB's automated information systems to support efficient management of MSPB's caseload and its administrative and research responsibilities. The office manages MSPB's information resources, including planning, budgeting, and implementation of data processing, office automation, and data communications operations. The office reviews all proposed procurements of information technology software and hardware for technical feasibility, standardization, and compatibility, and approves such procurements.

Functions assigned to IRM are:

1. Develop and update the 5-year IRM Strategic Plan;
2. Operate and maintain MSPB's computer systems, including the local area network/wide area network, internet, electronic filing, case processing, document management, document assembly, intranet, remote access, e-mail systems, and personal digital assistants such as Blackberry devices;
3. Provide training and support to users of MSPB's computers, systems, and related equipment;
4. Prepare and submit the annual FISMA report (in consultation with OCB), and ensure compliance with computer security requirements in accordance with FISMA guidance, and conduct annual computer security awareness training;
5. Ensure compliance with information management regulatory requirements and related laws, regulations, and directives;
6. Manage case management and other agency databases (other than records and legal research databases, which are the responsibility of OCB);
7. Oversee all information technology planning and approval of hardware and software purchases;
8. Ensure compliance with Section 508 of the Rehabilitation Act;
9. Install and provide technical support for personal computer hardware, software, and peripherals;
10. Design, develop, implement, and maintain application systems;

11. Provide technical support for MSPB's public website, e-Appeal Online, and intranet Portal; and
12. Ensure secure access to MSPB systems in support of agency continuity of operation plans (COOP) and telework opportunities.

1.14 OFFICE OF FINANCIAL AND ADMINISTRATIVE MANAGEMENT

The Office of Financial and Administrative Management (FAM) administers the budget, accounting, procurement, human resources management, property management, internal and management controls, security of personnel and physical locations, space, travel, and general services functions of MSPB. The FAM administers and oversees the interagency cross-servicing agreements with the U.S. Department of Agriculture's (USDA) National Finance Center (NFC) for payroll services, the Animal and Plant Health Inspection Service (APHIS) for human resources services, and with Treasury's Bureau of Public Debt (BPD) for accounting and related services. The office also develops and coordinates internal management programs and projects, including review of internal controls agency-wide.

Functions assigned to FAM are as follows:

1. Develop annual budget requests for approval by the Chairman, prepare support material for the Chairman for testimony before OMB and Congress, and oversee the program planning and budgeting systems including preparing and distributing operating budgets to offices;
2. Assist OPE in the preparation of the annual PAR consisting of the audited financial statements and the Annual Performance Plan required by GPRA;
3. Manage and oversee the required annual audited financial statements, assist Treasury's BPD in selecting an audit firm, provide auditors with necessary documentation to conduct a complete audit, and turn audited financial statements over to OPE for inclusion in the PAR;
4. Manage MSPB's accounting, payroll, procurement, travel, audio/visual, telecommunications, printing/duplicating, forms, facilities, supply, inventory, recycling, travel, interagency agreements, cooperative agreements, transportation, telecommuting, transit subsidy, real and personal property, security (personnel and physical), telephone and videoconferencing systems, training and wellness programs, and related financial and other general support programs;
5. Manage travel and purchase card systems;
6. Manage and oversee interagency and other agreements for provision of various services in support of employee relations, investigations, organizational assistance and development, and related programs and functions;
7. Manage and oversee the interagency cross-servicing agreement with USDA's NFC for the provision of personnel processing, payroll, time and attendance, and related services;

8. Manage and oversee the interagency cross-servicing agreement with USDA's APHIS for core personnel services;
9. Advise and develop MSPB HR policies and activities not covered by the cross-servicing agreement with USDA's APHIS to include strategic human capital planning and other MSPB-specific policy needs;
10. Manage and oversee the interagency cross-servicing agreement with Treasury's BPD for the provision of accounting, travel, procurement, and related services;
11. Manage all MSPB interagency agreements;
12. Oversee MSPB mail and distribution programs and operate the headquarters mailroom; and
13. Manage and oversee MSPB's emergency preparedness program, including Continuity of Operations and shelter-in-place programs.

1.15 OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY

The Equal Employment Opportunity (EEO) Director reports to the Chairman on all EEO and diversity-related matters and to the Executive Director on all administrative matters.

The Office of EEO plans, develops, coordinates, and implements all agency EEO policies and procedures, as well as evaluates all other MSPB policies and practices to ensure that they are free from unnecessary barriers to equal employment. The EEO Director is responsible for managing the EEO complaint process, which is available to all individuals who allege they have been discriminated against with regard to their employment and/or in MSPB's programs, policies, practices, and other activities. The EEO Director advises and assists all interested parties on MSPB's EEO programs and develops affirmative employment initiatives for the Chairman's consideration and approval.

Functions assigned to EEO are:

1. Develop, coordinate, and implement all MSPB EEO and diversity policies;
2. Process individual and class informal and formal EEO complaints of alleged discrimination as required by EEOC regulations at 29 C.F.R. Part 1614;
3. Process individual and class complaints of alleged discrimination as required by MSPB regulations at 5 C.F.R. § 1207, Executive Order (EO) 13160, and EO 13166;
4. Issue procedural and merit-based decisions in accordance with 29 C.F.R. § 1614, 5 C.F.R. § 1207.170(c), EO 13166, and EO 11478, as amended by EO 13087;
5. Process and track requests for reasonable accommodation submitted by MSPB employees, as required under the agency's Reasonable Accommodation Policy and Procedures;

6. Develop EEO plans, evaluate the EEO program, report findings, and recommend to the Chairman and Executive Director any needed improvements or corrections;
7. Prepare for the Chairman's review and approval all required reports for submission to EEOC (e.g., the annual Management Directive 715 Report, the Annual 462 Report, No FEAR Act training compliance, etc.);
8. Review MSPB's programs, policies, and procedures, including human resources management programs, for EEO implications, and recommend changes to eliminate discriminatory practices and unnecessary barriers to equal employment;
9. Conduct periodic reviews and analyses of MSPB's workforce data by ethnicity, race, gender, and disability at all stages of the employment cycle to determine if systemic barriers exist to equal employment opportunity;
10. Manage MSPB's Federally mandated special emphasis programs, including the Federal Women's Program, the Hispanic Employment Program, and the Disability Employment Program, as well as initiatives and programs relating to the employment and advancement of other EEO groups;
11. Select, supervise, and, when necessary, train, or provide for the training of, MSPB employees as EEO counselors;
12. Develop, coordinate, implement, and manage MSPB's ADR policy and program offered during the informal and formal EEO complaint process;
13. Develop, conduct, or process appropriate employee and management EEO and diversity training;
14. Collaborate with other Federal agencies or public entities and private sector employees, groups, and organizations to improve employment opportunities at MSPB for all groups and to enhance awareness of MSPB's mission, activities, and services; and
15. Select, supervise, and, when necessary, train, or provide for the training of, MSPB's Disability Program Coordinator.

2 DELEGATIONS OF AUTHORITY

This section sets forth MSPB delegations of authority for the adjudicatory, studies, and administrative functions of MSPB. Changes and amendments should be directed to OCB.

In an office that has a Deputy Director and for the Chief Administrative Judges (CAJ) in the New York and Denver field offices, the responsibilities of the Deputy or CAJ are, by design and intent, flexible. The Deputy or CAJ shares fully with the Director or Regional Director in the responsibility for carrying out all phases of the organization's work. A Deputy or CAJ can be in charge of one or any combination of:

- Day-to-day operations;
- Supervisory responsibilities (approve leave and training; assign, monitor, and review work; meet with employees to develop performance plans; and rate and reward performance accomplishments, etc.);
- Planning, developmental, or special assignment work; and/or
- Technical work, etc.

Together, the Director and the Deputy or CAJ decide how they want the office to work; the Director makes appropriate delegations. If the organizational focus or management changes, these delegations may be altered at the discretion of the Director. Delegations are not typically reflected in position descriptions; however, they are to be documented in writing and communicated to staff.

Unless otherwise stated, delegations flow from the Chairman, through the Executive Director, and as necessary, to the office and regional directors. Deputy or CAJ positions assume the authority of the office director when “acting” for them. Otherwise, re-delegations by the office and regional directors should be in writing.

As used in this section, “judge” means: the Director, ORO; a Regional Director; a Chief Administrative Judge; or an administrative judge.

2.1 ORGANIZATION

This section is organized by subject matter. Adjudicatory delegations and studies delegations are in narrative form, while administrative delegations are in table form.

Requests and recommendations for updates and changes should be sent to OCB for coordination, review, and approval by the Chairman or the Executive Director, through the delegated authority of the Chairman.

2.2 COORDINATION

Offices must be aware of the need for coordination in the exercise of these delegations, e.g., development of regulations and agency-wide policy should be coordinated with OGC for legal sufficiency; Congressional distributions should be coordinated with the Legislative Counsel in OGC; media inquiries should be referred to/coordinated with OCB; issues with budget implications should be coordinated with the Budget Officer; etc.

2.3 ADJUDICATION DELEGATIONS

2.3.1 Purpose And Overview

The U.S. Merit Systems Protection Board exercises adjudicatory authorities that are vested by law in the three-member Board and, in certain instances, in the individual Board Members. The Board and the individual Board Members may delegate authorities as permitted by law. This section documents such delegations.

2.3.2 Adjudicatory Authorities And Delegations

The Board's general adjudicatory authority is set forth at 5 U.S.C. § 1204(a). Additional adjudicatory authorities with respect to specific kinds of cases are set forth in other provisions of Title 5, as well as but not limited to, provisions in Title 3 (Presidential and Executive Office Accountability Act cases) and Title 38 (Uniformed Services Employment and Reemployment Rights Act cases). The Board's delegations of its adjudicatory authorities may be effected through the issuance of regulations or internal orders, which are documented in this Manual.

2.3.2.1 Adjudicatory Authorities – Board or Chairman

1. The Board is authorized to hear and adjudicate, or to provide for the hearing and adjudication of, all matters within the jurisdiction of the Board under any law, rule, or regulation and to take final action on such matters. 5 U.S.C. § 1204(a)(1).
2. The Board is authorized to order any Federal agency or employee to comply with its final decisions and orders and to enforce compliance with such orders. 5 U.S.C. § 1204(a)(2).
3. The Board is authorized to review OPM regulations to determine whether such OPM regulation is invalid on its face because it would require an employee to commit a prohibited personnel practice, or the OPM regulation is invalidly implemented by an agency such that its implementation requires an employee to commit a prohibited personnel practice. If the Board determines that an OPM regulation is invalid on its face or invalidly implemented, the Board has the authority to require the agency to cease compliance with the OPM regulation and to correct any invalid implementation of the regulation. 5 U.S.C. §§ 1204(a)(4) and (f).
4. The Board is authorized to provide for an informal hearing requested by a career SES member whose removal has been proposed under 5 U.S.C. § 3592(a).
5. The Board is authorized to prescribe such regulations as may be necessary for the performance of its functions. 5 U.S.C. § 1204(h), 5 U.S.C. § 7701(k), 5 U.S.C. §§ 3330a-3330b, and 38 U.S.C. § 4331(b)(2)(A).
6. Except as provided in section 518 of Title 28 of the United States Code, relating to litigation before the Supreme Court, the Chairman shall designate attorneys to appear for MSPB, and represent MSPB, in any civil action brought in connection with any function carried out by

MSPB pursuant to Title 5 of the United States Code or as otherwise authorized by law. 5 U.S.C. § 1204(i).

2.3.2.2 Delegations of Adjudicatory Authorities – Board or Chairman

1. The Board has broad authority to delegate the decision-making authorities necessary to carry out its adjudicatory functions. 5 U.S.C. § 1204(b)(1), 5 U.S.C. § 7701(b)(1) and (k). The Board may delegate such authorities to any “judge” as defined in MSPB’s regulations. 5 C.F.R. § 1201.4(a).
2. The Board delegates decision-making authorities with respect to appeals and other assigned cases through the Director, ORO, and the regional directors, to administrative judges. See also section 2.3.3.
3. The Board delegates decision-making authorities with respect to most original jurisdiction cases and other assigned cases to an ALJ. See also section 2.3.4.
4. The Board delegates certain adjudicatory authorities to the Clerk of the Board. See also section 2.3.5.
5. The Board may delegate to an individual Board Member the authority to rule on any matter related to a stay that has been granted to the Special Counsel, including a motion for extension or termination of the stay. 5 C.F.R. § 1201.134(b). The Board delegates to an individual Board Member (in rotating order) the authority to grant a request for extension of a stay that has been granted to the Special Counsel -- except where the initial stay and any previously granted extensions total more than 120 days -- and to rule on any other stay-related matter. If the responsible Board Member finds that a request for extension of a stay should be denied, or if an initial stay and any previously granted extensions total more than 120 days, the request for extension must be voted on by the full Board. (“Joint Delegation” approved by the Board Members and contained in the Chairman’s memorandum of July 31, 1998.)
6. The Chairman delegates to the Office of the General Counsel the authority, under 5 U.S.C. § 1204(i), to represent MSPB in any civil action brought in connection with any function carried out by the Board. See also section 2.3.6.
7. The Board retains all decision-making authorities not specifically delegated by the Board.
8. The Board does not delegate final decision-making authority to any non-career member of the Senior Executive Service (SES) or to any office headed by such an employee.

2.3.2.3 Adjudicatory Authorities - Individual Board Members

1. Any Member of the Board may grant a petition for review (PFR) of a judge’s decision or otherwise direct that a judge’s decision be reviewed by the full Board. 5 U.S.C. § 7701(e)(1).

2. Any Member of the Board may grant a request by the Office of Special Counsel for an initial 45-day stay of a personnel action. 5 U.S.C. § 1214(b)(1)(A)(ii).
3. Any Member of the Board, any ALJ appointed by the Board under section 3105 of Title 5, and any administrative judge may, with respect to any individual: issue subpoenas requiring the attendance and presentation of testimony of any such individual, and the production of documentary or other evidence; and order the taking of depositions from, and responses to written interrogatories by, any such individual. 5 U.S.C. § 1204(b)(2).

2.3.2.4 Delegations of Adjudicatory Authorities - Individual Board Members

1. A Board Member may delegate to an ALJ his or her individual authority to grant a Special Counsel request for an initial 45-day stay of a personnel action. 5 C.F.R. § 1201.134(b). Such a delegation may be made for all Special Counsel stay requests received during the time period in which the Board Member is responsible for acting on those requests or on a case-by-case basis, at the Board Member's discretion.
2. A Board Member may delegate to the Office of the General Counsel his or her authority to: issue subpoenas requiring the attendance and presentation of testimony of any individual, and the production of documentary or other evidence; and order the taking of depositions from, and responses to written interrogatories by, any such individual. 5 U.S.C. § 1204(b)(2). See also section 2.3.6.

2.3.3 Director, Office Of Regional Operations, Regional Directors, And Administrative Judges

2.3.3.1 Delegations of Adjudicatory Authorities to the Director, Office of Regional Operations

The Board delegates to the Director, ORO, the authority to provide for the adjudication of all cases that, in accordance with MSPB's regulations (or other issuances), must be filed in MSPB regional and field offices. The Board also delegates to the Director, ORO, the authority to provide for the adjudication of cases filed at MSPB headquarters that are reassigned to a regional or field office for adjudication.

2.3.3.2 Redelegations of Adjudicatory Authorities to Regional Directors and Administrative Judges

The Director, ORO, redelegates to MSPB's regional directors the authority to adjudicate all cases covered above. The regional directors may redelegate this authority to administrative judges. 5 C.F.R. § 1201.41.

2.3.3.3 Restrictions on Redelegations of Adjudicatory Authorities

The authorities to hear and decide appeals involving adverse actions, to rule on requests for subpoenas, and to order the taking of depositions and responses to written interrogatories may be redelegated to administrative judges only when they have demonstrated that they have sufficient experience and adequate abilities to handle such cases.

2.3.3.4 Exercise of Authorities by Judges

In hearing and deciding cases, judges may exercise all authorities vested in them under MSPB's regulations. In addition, judges may exercise authorities vested in them under adjudicatory pilot projects approved by the Board during the pendency of the project. Judges will issue initial decisions or orders as provided by MSPB's regulations. The exercise of authorities by judges is subject to applicable provisions of law and regulation.

2.3.4 Administrative Law Judge

2.3.4.1 Delegations of Adjudicatory Authorities to the Administrative Law Judge - Original Jurisdiction

The Board delegates to an ALJ the authority to hear and decide cases arising under the Board's original jurisdiction authority as listed in subparagraphs 2.3.4.1.1 - 2.3.4.1.3 below. An ALJ will adjudicate corrective action complaints brought by the Special Counsel and hold informal hearings in performance-based removals from the SES unless, by agreement with the Director, ORO, such a case is reassigned to a regional or field office. An individual Board Member may delegate to an ALJ his or her authority to rule on a Special Counsel request for an initial 45-day stay of a personnel action. The original jurisdiction cases covered by this paragraph are as follows:

2.3.4.1.1 Special Counsel Actions

1. Hatch Act cases (complaints of unlawful political activity prohibited by 5 U.S.C. § 1502) brought against State or local government employees under 5 U.S.C. §§ 1504 and 1505;
2. Hatch Act cases (complaints of unlawful political activity prohibited by 5 U.S.C. §§ 7323, 7324) brought against Federal or District of Columbia government employees under 5 U.S.C. §§ 1215 and 1216;
3. Disciplinary action complaints brought under 5 U.S.C. § 1215 or 5 U.S.C. §§ 1215 and 1216;
4. Corrective action complaints brought under 5 U.S.C. § 1214 or 5 U.S.C. §§ 1214 and 1216; and
5. Requests for initial stays of personnel actions allegedly based on a prohibited personnel practice brought under 5 U.S.C. § 1214.

2.3.4.1.2 Actions Against Administrative Law Judges

Agency complaints under 5 U.S.C. § 7521 seeking authorization to take any of the following actions against an ALJ: removal, suspension, reduction in grade, reduction in pay, or furlough of 30 days or less.

2.3.4.1.3 SES Performance-based Removals

Informal hearing under 5 U.S.C. § 3592(a).

2.3.4.2 Delegations of Adjudicatory Authorities to the Administrative Law Judge - Appellate Jurisdiction

The Board delegates to an ALJ the authority to hear and decide appeals filed by MSPB employees. The Board may, from time to time, assign other cases arising under MSPB's appellate jurisdiction to an ALJ for adjudication.

2.3.4.3 Exercise of Authorities by the Administrative Law Judge

In hearing and deciding cases under the above, an ALJ may exercise all authorities vested in judges under MSPB's regulations. In addition, an ALJ may exercise authorities vested in judges under adjudicatory pilot projects approved by the Board during the pendency of the project. An ALJ will issue initial decisions, recommended decisions, or orders as provided by MSPB's regulations. The exercise of authorities by ALJs is subject to applicable provisions of law and regulation.

2.3.5 Clerk of the Board

2.3.5.1 Delegations of Adjudicatory Authorities to the Clerk of the Board

The Board delegates to the Clerk of the Board the following adjudicatory authorities with respect to cases pending at headquarters:

1. Authority to accept or reject documents;
2. Authority to grant a withdrawal of a petition for review when requested by a petitioner;
3. Authority to deny noncertified interlocutory appeals;
4. Authority to dismiss petitions for review that are moot;
5. Authority to rule on the time for filing pleadings;
6. Authority to rule on motions for consolidation, joinder, or intervention, and other procedural motions;

7. Authority to issue responses to requests for reconsideration or reopening;
8. Authority to issue show cause orders and notices as appropriate;
9. Authority to sign all Board orders, opinions and orders, and decisions, unless otherwise directed by the Board;
10. Authority to issue errata or addenda to Board orders, opinions and orders, and decisions, as necessary;
11. Authority to prepare and/or issue orders ruling on motions to seal records;
12. Authority to prepare and/or issue orders ruling on motions for waiver of costs for transcripts filed after the issuance of the initial decision;
13. Authority to accept subpoenas and other judicial orders, and accept service of legal documents served on MSPB or any of its Board Members or staff in the exercise of any of the statutory or regulatory authorities of MSPB;
14. Authority to execute subpoenas on behalf of the Board as required; and
15. Authority to administer oaths and affirmations at hearings before the Board or any Board Member.

2.3.5.2 Exercise of Authorities by the Clerk of the Board

The exercise of the authorities in this section by the Clerk of the Board is subject to applicable provisions of law and regulation. In exercising the authorities in this section, the Clerk of the Board will issue appropriate orders on behalf of the Board.

2.3.6 Office of the General Counsel

2.3.6.1 Delegations of Adjudicatory Authorities to the Office of the General Counsel

The Chairman of the Board delegates to the Office of the General Counsel the following adjudicatory authority:

1. Authority to appear for MSPB, and represent MSPB, in any civil action brought in connection with any function carried out by MSPB pursuant to Title 5 of the United States Code or as otherwise authorized by law.

The Board delegates to the Office of the General Counsel the following adjudicatory authorities:

2. Authority to draft decisions ordering a Federal agency or employee to comply with any order or decision issued by MSPB and authority to enforce compliance with any such order;

3. Authority to issue and enforce subpoenas requiring: the attendance and presentation of testimony of any individual, and the production of documentary or other evidence; and order the taking of depositions from, and responses to written interrogatories by, any such individual;
4. Authority to review the rules and regulations of the Office of Personnel Management for the Board under 5 U.S.C. § 1204(f)(1)(A), (B), or (C), including their implementation by OPM and agencies other than OPM. The Chairman retains the signatory authority for the Board for Board decisions to require OPM or any agency to cease compliance with any provision of rule or regulation under 5 USC § 1204 (f)(4)(A) or for any requirement to correct any invalid implementation by the agency of any provision of any rule or regulations under 5 U.S.C. § 1204(f)(4)(B);
5. Related to any proceeding under 5 U.S.C. § 1204(a)(1), authority to prepare for any Board Member a request to OPM for an advisory opinion concerning the interpretation of any OPM rule, regulation, or other policy directive (see 5 U.S.C. § 1204(e)(1)(A)); and
6. As MSPB Congressional liaison, the authority to prepare transmittals to Congress on the request of any committee or subcommittee thereof, by report, testimony, or otherwise, information and views on MSPB functions. 5 U.S.C. § 1205.

2.4 STUDIES AND OPM SIGNIFICANT ACTIONS REVIEW DELEGATIONS

2.4.1 Purpose And Overview

The U.S. Merit Systems Protection Board exercises studies and OPM significant actions review authorities that are vested by law in the three-member Board and, in certain instances, in the individual Board Members. The Board and the individual Board Members may delegate authorities as permitted by law. This section documents such delegations.

2.4.2 Studies and OPM Significant Actions Review Authorities And Delegations

The MSPB's special studies authority is set forth at 5 U.S.C. § 1204(a)(3), and its authority to review OPM Significant Actions is set forth at 5 U.S.C. § 1206. (See OGC authority under paragraph 2.3.6.1 above related to review of OPM regulations set forth in 5 U.S.C. § 1204 (f). OPE recommendations for an OPM regulatory review generated from an OPE study would be routed to OGC, if approved by the Board, under OGC's authority for conducting such reviews for the Board.) The Board's delegations of these authorities may be effected through the issuance of regulations or internal orders, which are documented in this Manual.

2.4.2.1 Special Studies and OPM Significant Actions Review Authorities - Board

1. The Board is authorized to conduct from time to time, special studies relating to the civil service and to other merit systems in the executive branch, and report to the President and to

Congress as to whether the public interest in a civil service free of prohibited personnel practices is being adequately protected. 5 U.S.C. § 1204(a)(3).

2. In carrying out any study, the Board shall make such inquiries as may be necessary and, unless otherwise prohibited by law, shall have access to personnel records or information collected by OPM and may require additional reports from other agencies as needed. 5 U.S.C. § 1204(e)(3).
3. The Board is authorized to review OPM significant actions and to analyze whether or not the actions of OPM are in accord with merit system principles and free from prohibited personnel practices. 5 U.S.C. § 1206.
4. The Board is authorized to delegate studies authority and prescribe such regulations as may be necessary for the performance of its functions. 5 U.S.C. § 1204(g) and (h).

2.4.2.2 Delegations of Special Studies and OPM Significant Actions Review Authorities and Delegations

1. The Board delegates the special studies authority and the review of OPM significant actions authority to the Director, OPE. The Chairman retains the signatory authority for the Board on final transmittal of the special studies to the President and Congress, as well as signatory authority for reports on OPM significant actions; and
2. The Board delegates to the Director, OPE, the authority to prepare, in coordination with the Legislative Counsel in OGC, transmittals to Congress on the request of any committee or subcommittee thereof, by report, testimony, or otherwise, information and views on these two functions. 5 U.S.C. § 1205.

2.4.2.3 Special Studies and OPM Significant Actions Review Authorities - Individual Board Members

Once a proposed research agenda is developed, the Director, OPE, will provide each Board Member with the research agenda to obtain their recommendations prior to submission to the Chairman for final approval.

2.5 ADMINISTRATIVE DELEGATIONS

As with functional delegations, the Chairman delegates administrative delegations through the Executive Director, and as necessary, to office and regional directors. The Chairman reserves the authority to issue regulations governing the exercise of any of the Chairman's administrative functions. Functions not otherwise delegated herein remain in the authority of the Board and/or the Chairman.

2.5.1 Abbreviations and Terminology

ADAEO	Alternate Designated Agency Ethics Officer
CAJ	Chief Administrative Judge
CB	Clerk of the Board
CIO	Chief Information Officer
COTR	Contracting Officer's Technical Representative
DFAM	Director, Financial and Administrative Management
DORO	Director, Office of Regional Operations
ED	Executive Director
EEOD	Equal Employment Opportunity Director
GC	General Counsel
HOD	Headquarters Office Director
OGC	Office of the General Counsel
RD	Regional Director

2.5.2 Personnel

2.5.2.1 Organization, Position Management, and Classification

Activity	Delegated to	May Re-delegate
Approve organizational and staffing plans	ED	No
Classify positions as to title, occupational series, and grade level	ED	Yes

2.5.2.2 Staffing

Activity	Delegated to	May Re-delegate
Approve SF-52s, Request for Personnel Action (after consulting ED)	DFAM	Yes
Approve Intergovernmental Personnel Assignment (IPA) agreements	ED	Yes
Approve SCEP (Student Career), STEP (Student Temporary), or volunteer agreements	ED	Yes
Approve details or reassignments with reemployment rights back to MSPB, e.g., details to other agencies	ED	No
Effect appointments, make employment commitments, arrange reporting dates	DFAM	Yes
Sign notice to veteran that MSPB is unable to restore him/her to a position to which he/she is entitled	ED	Yes
Approve pre-employment interview travel	ED	No

Approve non-reimbursable details of MSPB employees to other agencies and reimbursable details to MSPB of personnel from other agencies	ED	Yes
Approve the appointment of experts and consultants	ED	Yes
Approve paid advertising in recruiting for vacancies	DFAM	Yes
Approve repayment of student loans as a recruitment tool	ED	No
Authorize staff to administer Oaths of Office	DFAM	Yes

2.5.2.3 Pay

Activity	Delegated to	May Re-delegate
Approve pay above the first step for new appointees based on superior qualifications (after consulting ED)	DFAM	Yes
Approve employment credit time for non-Federal work experience (after consulting ED)	DFAM	No
Authorize entitlement to back pay, based on an unjustified or unwarranted personnel action	ED	Yes
Approval of recruitment, retention, and relocation incentive payments	ED	No

2.5.2.4 Reduction in Force

Activity	Delegated to	May Re-delegate
Approve Reduction-in-Force and/or furlough activities	ED	No
Conduct Reduction-in-Force and/or furlough activities	DFAM	Yes

2.5.2.5 Hours of Duty and Leave

Activity	Delegated to	May Re-delegate
Establish tours of duty:		
Consistent with agency policy	HOD/RD	Yes
Non-standard tours of duty	HOD/RD	No
Approve increases/decreases to part-time hours (after consulting ED)	HOD/RD	No
Order/approve occasional and irregular overtime or compensatory time in consultation with the Budget Officer to ensure funds are available	HOD/RD	No
Approve credit hours	HOD/RD	Yes
Order or approve holiday work	HOD/RD	No
Approve charging of absence to:		
Accrued annual or sick leave or other leave, except AWOL	HOD/RD	Yes
Absence Without Leave (AWOL)	HOD/RD	Yes
Leave without pay (LWOP) for 30 days or less	HOD/RD	Yes

Leave without pay (LWOP) for more than 30 days (after consulting ED)	HOD/RD	No
Approve advanced annual or sick leave	HOD/RD	Yes
Approve FMLA/Sick Leave for Family Care and Bereavement (over 30 days)	ED	Yes
Approve FMLA/Sick Leave for Family Care and Bereavement (for 30 days or less)	HOD/RD	Yes
Approve Flexiplace or Telework Agreements	HOD/RD	Yes
Certify accuracy of Time and Attendance Reports	HOD/RD	Yes
Approve dismissals of MSPB employees to attend official ceremonies	HOD/RD	Yes
Approve emergency or hazardous weather leave (after advising ED)	ED/RD	Yes
Approve early dismissal of office or office closures (after consulting ED)	HOD/RD	Yes
Approve or deny requests for restoration of annual leave forfeited due to an exigency	ED	Yes

2.5.2.6 Performance Management and Awards

Activity	Delegated to	May Re-delegate
Set and approve performance elements and standards, and rate performance of individuals	HOD/RD	Yes
Approve awards:		
Individual Cash Awards over \$2,000 up to \$5,000	ED	No
Group Cash Awards over \$5,000 up to \$10,000	ED	No
Individual Cash Awards up to \$2,000	HOD/RD	No
Group Cash Awards up to \$5,000	HOD/RD	No
Quality Step Increase (QSI)	HOD/RD	No
Time-Off Awards of 40 hours or less	HOD/RD	No
Time-Off Awards over 40 hours	ED	No

2.5.2.7 Employee Development

Activity	Delegated to	May Re-delegate
Approve training within budget (see training/foreign travel below)	HOD/RD	Yes
Select individuals to receive centrally funded executive-level, management, or supervisory training at OPM's MDC/FEI	ED	No
Approve training involving foreign travel	ED	No
Approve continuous job-related training over 120 days (960 hours)	ED	No
Approve tuition reimbursement for degree-granting programs	ED	No
Approve training for HODs	ED	No
Approve training for RDs	DORO	No

2.5.2.8 Employee and Labor Relations

Activity	Delegated to	May Re-delegate
Approve requests for outside employment (after consulting ADAEO)	HOD/RD	No
Identify employees required to file Confidential Financial Disclosure Report (form SF-278) and make determinations on those involving conflict-of-interest questions	DAEO	Yes
Disciplinary actions, grievances, and appeals:		
Sign letters proposing reprimand and adverse action (after consulting OGC)	HOD/RD	Yes
Sign decision letters for adverse actions involving individuals who have statutory adverse action appeal rights and separation of individuals who lack such appeal rights:		
GS-15 (when ED is second level of review)	ED	No
GS-15 (when HOD/RD is second level of review & after consulting OGC)	HOD/RD	No
GS-14 and below (after consulting OGC)	HOD/RD	No
Sign Step 2 decisions on negotiated grievances	HOD/RD	No
Sign final agency decisions on formal administrative grievances:		
When ED is second-level reviewer	ED	No
As second-level reviewer	HOD/RD/CAJ	No
Take action regarding within-grade increases (WIGIs):		
Sign letters of decision to withhold or delay WIGIs	HOD/RD	Yes
Sign reconsideration letters withholding/delaying WIGIs	ED/DORO	Yes

2.5.2.9 Official Duty Station

Activity	Delegated to	May Re-delegate
Approve official duty stations outside the Federally-owned or rented buildings occupied by MSPB	ED	No

2.5.3 Budget and Accounting

Activity	Delegated to	May Re-delegate
Develop Cost Centers, Object Classes, and Project Codes	DFAM	Yes
Develop OMB and Congressional Budgets	DFAM	Yes
Certify FACTs I and II and related Statements of Accounts	DFAM	Yes
Approve Apportionment and Reapportionment Schedules	DFAM	Yes
Designate Certifying Officers	DFAM	No

Approve operating budgets, employment ceilings, and non-technical or policy changes	ED	Yes
Approve settlement of claims by or against the MSPB		
For claims under \$10,000, after OGC review	ED/DFAM	No
For claims over \$10,000	ED	Yes

2.5.4 Travel

2.5.4.1 Domestic

Activity	Delegated to	May Re-delegate
Approve an open travel authorization	HOD/RD	Yes
Authorize non-hearing related travel to resort areas	ED	Yes
Authorize/approve routine domestic travel vouchers for:		
Office directors	ED	Yes
Regional directors	DORO	Yes
Other employees	HOD/RD	Yes
Authorize, direct, and approve non-routine domestic travel:		
To first duty station	ED	Yes
Changes of official duty station	ED	Yes
Non-Government employees	ED	Yes
On an actual subsistence basis in lieu of per diem up to the statutory maximum rate	DFAM	Yes
On non-contract air carriers	DFAM	Yes
Premium class (first or business class) airline travel	DFAM	Yes
By employee organization representatives	ED	Yes
To attend meetings, conferences, seminars, training and similar events	HOD/RD	Yes
By employees testifying in judicial proceedings	HOD/RD	Yes

2.5.4.2 Foreign

Activity	Delegated to	May Re-delegate
Authorize, direct, and approve foreign/overseas travel that is:		
Hearing related	HOD/RD	No
Non-hearing related	ED	No

2.5.4.3 General

Activity	Delegated to	May Re-delegate
Approve Advance of Funds	DFAM	No
Approve travel voucher	HOD/RD	Yes
Approve Claims for Reimbursement for Expenditures on Official Business, for local travel	HOD/RD	Yes
Approve travel of employee family members to attend awards ceremonies	ED	No

2.5.5 Attendance at Meetings

Activity	Delegated to	May Re-delegate
Authorize attendance at meetings on official time	HOD/RD	Yes
Authorize attendance at international meetings, regardless of where held	ED	No

2.5.6 FOIA Requests, Privacy Act Requests, and Information Quality Complaints

Activity	Delegated to	May Re-delegate
Grant or deny requests for testimony by MSPB employees and production of official records in legal proceedings	GC	Yes
Grant or deny requests for records under the FOIA (after consultation with affected office)	CB/RD/CAJ	No
Grant or deny requests for access to, or amendment of, a record under the Privacy Act	CB/RD/CAJ	No
Grant or deny requests for correction of information disseminated to the public in response to information quality complaints	CB	No
Decide appeals of CB's granting or denying requests in response to information quality complaints	CIO	No

2.5.7 Procurement

Activity	Delegated to	May Re-delegate
Issue Contracts/Purchases:		
Using Purchase Credit Card	Cardholder	No
Under Simplified Purchase limitation (FAR Part 13)	DFAM	Yes
Negotiate and sign contracts (FAR Parts 12, 14 and 15)	DFAM	Yes
Appoint COTRs	DFAM	No
Administer cooperative agreements:		

Negotiate and approve preliminary specifications (after consulting FAM contracting officer unless COTR trained)	HOD	No
Sign formal agreements	DFAM	Yes
Administer interagency agreements:		
Negotiate and approve preliminary specifications	DFAM	No
Sign formal agreements, including Reimbursement or Advance of Funds Agreement	DFAM	Yes
Set aside contracts for Small & Disadvantaged Businesses, HUD Enterprise Zones, etc. (after consulting ED)	DFAM	No
Approve contracts for advisory and assistance services	ED	Yes
Approve "sole source" contracts	DFAM	No
Approve non-personal service contracts with former MSPB employees during the 1-year period following separation from MSPB employment	ED	No
Appoint Contracting Officers	DFAM	No
Approve interagency agreements (after consulting ED)	DFAM	No
Approve issuance of Purchase Credit Cards	DFAM	No

2.5.8 Property, Vehicles, and Space

Activity	Delegated to	May Re-delegate
Approve requests for and release of space (after consulting ED)	DFAM	No
Sign leases for office space	DFAM	No
Approve changes, amendments, etc., to leases	DFAM	No
Approve requests for construction, alterations, and repairs to facilities (after consulting ED)	DFAM	No
Approve requests from employees to park Government vehicles at or near residence	DFAM	No
Appoint a central Board of Survey (if item involves FAM then ED appoints Board of Survey)	DFAM	Yes/GC
Decide appeals from the findings of a Board of Survey	ED	Yes

2.5.9 Equal Employment Opportunity

Activity	Delegated to	May Re-delegate
Approve annual Affirmative Employment Plan (Management Directive 715 Report)	ED	No
Approve EEO Recruitment Program Plans/Reports	ED	No
Sign settlement agreements for complaints of discrimination	ED	No
Accept and/or dismiss complaints of discrimination	EEOD	No

Organization Functions & Delegations of Authority

Request and oversee investigations of complaints of discrimination	EEOD	No
Issue Agency Decisions relating to formal complaints of discrimination	EEOD	No
Request and oversee EEO counseling, when necessary	EEOD	No
Request and oversee EEO Alternative Dispute Resolutions services, when necessary	EEOD	No

ATTACHMENT 1

HISTORY OF CHANGES

Changes

April 2007 – Complete revision of and combining of the prior Delegations of Authority and Organization and Functions Manuals.

April 2010 – Reviewed and updated April 2007 draft Manual.

January 2011 – Incorporated comments from Executive Committee members.

March 2011 – Incorporated final comments from Executive Committee members.

March 25, 2011 – Executive Director approved the March 2011 draft as final.

April 2011 – Moved maintenance of MSPB Directives System from FAM to OCB.