

MSPB Strategic Plan for FY 2014-2018: Summary of Stakeholder Comments and Resulting Actions Taken in the Strategic Plan

MSPB received several comments on its Strategic Plan for FY 2014-2018. In general, the comments were positive and complimentary, and they included a variety of constructive suggestions geared toward improving, strengthening, and clarifying various components of the Plan. Summary of the comments MSPB received along with actions taken to address them are summarized in the following table.¹

Stakeholder Comment	Actions Taken in the Strategic Plan
<ul style="list-style-type: none"> • Word changes and sentence clarification 	<p>Made changes as appropriate.</p>
<ul style="list-style-type: none"> • An informative document that ‘better supports our ability to tell a cohesive and coherent ‘MSPB story’ about our mission and challenges, and consolidates and simplifies our agency planning and reporting functions.’ 	<p>No changes necessary.</p>
<ul style="list-style-type: none"> • Systematize the Board’s survey techniques and encourage more frequent/routine surveys of practitioners (agency & appellant). • Evaluate effectiveness of public education efforts: Recommends comprehensive training/town hall meetings at each regional office. Cites FLRA as an example for website information and cites FLRA & EEOC on town hall meetings. • Assess Court reversals and remands of Board decisions. The measure of cases left unchanged is not sufficient. 	<ul style="list-style-type: none"> • Included obtaining a survey capability to support routine surveys of practitioners as a strategy in the plan. • Included the public as a potential recipient of merit system education efforts. Included specific reference to outreach events such as holding and participating in practitioner forums and conferences intended to assist practitioners in preparing cases. • Retained the measure of cases left unchanged by the Court, add language about reviewing Court reversals/remands and making changes to procedures/training when appropriate.
<ul style="list-style-type: none"> • Adjust phrasing of statements of organizational values. • Add first word “Measure” to the statement of strategic measures S2B-1, S2B-2, and S2C-1. 	<ul style="list-style-type: none"> • Retained use of stronger active voice in statements of values. • Made wording of measures consistent.

¹ MSPB received a number of comments during the consultation process that did not relate directly to the Strategic Plan, and therefore, they are not included in this summary. Many of these comments were thoughtful and constructive, and may be considered and addressed via other processes such as through general reviews and updates of internal processes and procedures, through the work of existing programs, or through other means.

Stakeholder Comment	Actions Taken in the Strategic Plan
<ul style="list-style-type: none"> • Applauds the Board’s outreach to stakeholders on its strategic plan. In general, ‘we find the draft plan highly relevant, inclusive, and well-organized.’ • Pleased that the section entitled “MSPB Customers, Partners, and Stakeholders” recognizes the full reach of the Board’s impact on the federal civil service and the many other governmental and non-governmental organizations that share the Board’s interest in the health and vibrancy of the system. • Notes the section entitled, “Serving the Merit Systems, the Federal workforce, and the Public” that speaks to the broad range of parties that appropriately rely on Board policies, studies, and adjudication to enhance fairness and timely focus on important government-wide personnel related assessments and decisions.” 	<p>Included the practice of seeking stakeholder input during the research agenda development process under merit system studies strategies.</p>
<ul style="list-style-type: none"> • Strategic Plan looks great. 	<p>No action necessary.</p>
<ul style="list-style-type: none"> • Supports the Board’s overall goal of continuing reevaluation of internal processes and strategy in the interest of improving operations, but wants to ensure that the Board’s focus on improving operational efficiency does not inadvertently detract from the Board’s fundamental programmatic goals. • As demonstrated MSPB’s case suspension regulations, the Board has long recognized that the balance favors justice over expedience especially at the administrative judge level. Commenter encourages the Board to continue to uphold this wise policy decision, and not let concern over number of days to reach case closure get in the way of substantive justice. • Supports Board’s efforts to ensure transparency and efficacy in the enforcement process; but vigilance is needed in the timely enforcement of remedial orders and settlements to discourage agencies from tarrying in their obligations. • Obtaining feedback from adjudication parties is also important at the agency level. 	<ul style="list-style-type: none"> • Included language that MSPB will appropriately balance measures of adjudication to include quality of decision, timeliness, and customer satisfaction with the adjudication process. • Changed the measure used for enforcement case processing to be the weighted average of enforcement cases closed at headquarters and in the regional and field offices. • Monitoring adjudication performance and ensuring accountability of the adjudication process is included as a strategy in the plan. • Obtaining feedback from adjudication customers is included as a strategy, performance goal, and measure in the plan. • Timeliness targets, milestones, and interim indicators for case processing are included in the Annual Performance Plan, as appropriate.

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<ul style="list-style-type: none"> • Supports Board’s overall goal of continuing reevaluation of the internal processes and strategy in the interest of improving operations, but wants to ensure that the Board’s efforts to improve efficiency does not inadvertently detract from the Board’s fundamental programmatic goals. • As demonstrated by MSPB’s case suspension regulations, the Board has long recognized that the balance favors justice over expedience especially at the administrative judge level. Commenter encourages the Board to continue to uphold this wise policy decision, and not let a concern over mere statistics of number of days to case closure get in the way of substantive justice. • Supports Board’s efforts at ensuring transparency and efficacy in the enforcement process; but, vigilance is needed in the timely enforcement of remedial orders and settlements to discourage agencies from tarrying in their obligations. • Obtaining feedback from adjudication parties is also important at the agency level. 	<ul style="list-style-type: none"> • Included language that MSPB will appropriately balance measures of adjudication to include quality of decision, timeliness, and customer satisfaction with the adjudication process. • Changes the measure for enforcement case processing to be the weighted average of enforcement cases closed at headquarters and in the regional and field offices. • Monitoring adjudication performance and ensuring accountability of the adjudication process is included as a strategy in the plan. • Obtaining feedback from adjudication customers is included as a strategy, performance goal, and measure in the plan. • Timeliness targets, milestones, and interim indicators for case processing are included in the Annual Performance Plan, as appropriate.
<ul style="list-style-type: none"> • How do you ensure employees know their rights, and that organizations comply with merit? 	<ul style="list-style-type: none"> • Strategies include administration of the merit principles survey (every few years) which provides information about the “health” of the merit systems. • Strategies include MSPB’s efforts to provide merit systems educational materials and guidance as a way to improve the understanding of merit.
<ul style="list-style-type: none"> • Page 4 at the bottom, regarding prohibited discrimination, recommend including the Genetic Information Nondiscrimination Act of 2008. • Recommend replacing “handicapping condition” with “disability.” 	<ul style="list-style-type: none"> • Genetic Information Nondiscrimination Act (GINA) is not included in the list of protections under the PPPs because it is not currently contained in the PPP language. • MSPB does not have a statutory role in ensuring GINA protections. • Retained “handicapping condition” language because it is the language contained in statute.

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<ul style="list-style-type: none"> • The plan is comprehensive and commenter appreciates that [MSPB] recognizes trends and challenges that may impact its mission. • Recognizes MSPB has made a number of improvements to processes in recent years, (e.g., electronic case intake) and supports future changes to further improve services to employees of the federal government. • Otherwise, no comments on the Plan. 	<p>No changes necessary.</p>
<ul style="list-style-type: none"> • Offers no substantive comments although the Plan was reviewed by several senior managers within the CHCO office. • Takes special interest in the section of the Plan that discussed the history of the Civil Service and the evolution of the Merit System Principles and supports MSPB’s decision to make education on the MSPs and PPPs a focus of Strategic Goal 2. 	<p>No changes necessary.</p>
<ul style="list-style-type: none"> • Adjudication timeliness goal has morphed into a policy. Interests of Justice have given way to Board’s desire to speed adjudication. 120 day processing target for initial appeals and elimination of the Initial Disclosure requirements has lengthened time necessary for discovery. How can the Board believe adequate discovery can take place for appellant to prosecute their own appeal. • Irrationally short deadlines and such a limited period for discovery jeopardizes justice. In a system which finds heavily in favor of the agency, it is especially important that the appellant have an opportunity to conduct adequate discovery and reap the benefits of our rights to due process. • Applauds the Board’s goal to decrease processing time for PFRs. The wait can be very long and stressful. Supports any efforts to reduce the amount of time an appellant waits for a Board decision on petition for review. • Lauds the release of more detailed non-precedential decisions and hopes the Board’s will continue its efforts to more thoroughly justify non-precedential PFRs with detailed analysis. 	<ul style="list-style-type: none"> • Included language that MSPB balances measures of adjudication to include quality of decision, timeliness, and customer satisfaction with the adjudication process. • Timeliness targets, milestones, and interim indicators for case processing are included in the Annual Performance Plan, as appropriate.

Stakeholder Comment	Actions Taken in the Strategic Plan
<ul style="list-style-type: none"> • Supports MSPB’s mission to protect the merit principles and promote and Federal workforce free of PPPs. • The mission and vision statements are clear and objectives link to strategic goals and objectives. 	<p>No changes necessary.</p>
<ul style="list-style-type: none"> • Praises plan to decrease the processing time for PFRs. • The new plan that intends to speed processing [of initial appeals] may make it even more difficult for whistleblowers to prevail in a forum where their chances of success are already miniscule. • The MSPB Plan proposed front-end deadlines that encourage assembly-line injustice; the MSPB process re-victimizes whistleblowers. • Civil servants have no rational basis for trusting the current system; keeping folks as far as possible from MSPB is often the best course of action. • The proposed plan evaluates judges by the speed in which they process cases while still allowing appeals to languish for years after initial decisions. • Lists several specific process concerns, and states that MSPB should concentrate on getting rulings right the first time. 	<ul style="list-style-type: none"> • Included language that MSPB balances measures of adjudication to include quality of decision, timeliness, and customer satisfaction with the adjudication process. • Monitoring adjudication performance and ensuring accountability of the adjudication process is included as a strategy in the plan. • Timeliness targets, milestones, and interim indicators for case processing are included in the Annual Performance Plan, as appropriate.

Stakeholder Comment	Actions Taken in the Strategic Plan
<ul style="list-style-type: none"> • Little has changed since our comments on the previous strategic plan. • The current draft strategic plan continues to set a goal for a number of days (120) for initial case processing that is generally incompatible with affording a full opportunity for case development. Focusing on speed rather than quality of adjudication at the initial appeal stage seriously undermines the ability of employees to obtain a fair adjudication of their claims. • Applauds the Board’s goal to decrease the time for deciding Petitions for Review, Sec. S1A-3b (from an average of 245 days to 150 days), as it does not compromise the employee’s opportunity to conduct discovery and present his or her case. Our experience is that PFR decisions often take a year or close to a year, and that most of this time involves awaiting decision after all briefing is complete. This delay compromises the employee’s right to timely adjudication of claims. • The current draft strategic plan contains elements that could begin to address the problems noted above, but they are often vague and general, and must be fleshed out and vigorously implemented to achieve results. (Means and Strategies for Strategic Goal 1, #s 4 and 5). The plan needs to flesh out how these will be implemented. • Applauds use of customer satisfaction surveys. 	<ul style="list-style-type: none"> • Plan includes language emphasizing MSPB’s focus on balanced measures of adjudication. • Retained the measure for quality of initial appeals. • Timeliness targets, milestones, and interim indicators for case processing are included in the Annual Performance Plan, as appropriate. • Detailed explanations about how means and strategies will be implemented is beyond the scope of the strategic plan. There is information about the efforts related to means and strategies in the Annual Performance Report.