

MERIT SYSTEMS PROTECTION BOARD
Organization, Functions & Delegations of Authority Manual
August 25, 2026

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Attachment 1 – History of Changes

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 Chairman, the Board, and the Executive Director, and documents the assignment of agency functions. In general, adjudication, special studies, and review of OPM significant actions are the province of the Board majority, while the Chairman,¹ who is designated by statute as “chief executive and administrative officer,” acts on behalf of the Board with respect to most administrative and operational matters. The Chairman delegates overall responsibility for non-adjudicatory agency operations to the Executive Director. The Executive Director assigns responsibility for these functions to agency offices and office heads and redelegates authority delegated to him or her by the Chairman as needed in order to effect these assigned functions. This section provides an overview of MSPB functions.

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

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

1.2 OVERVIEW OF FUNCTIONS²

The functions covered by this Manual are:

1.2.1 Legal 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 (OAC) or OGC 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 All references to Chairman include a Board member fulfilling the role of Acting Chairman or, under circumstances where there are no Board members, the Acting Chief Executive and Administrative Officer. *See* 5 C.F.R. § 1200.2(b); MSPB Continuity of Operations Plan (2025), 2.3.11. However, an individual serving as Acting Chief Executive and Administrative Officer may not perform the Chairman’s adjudicatory functions; such individual may perform only the Chairman’s administrative and executive functions.

² This Manual lists some but not all designations of responsibility by the agency head. Designations may change depending on executive orders, memoranda from the Office of Personnel Management or the Office of Management and Budget, or other issuances. In reviewing or verifying designations, users of this Manual should consult other relevant policies or designation documents as needed.

1.2.2 Studies and OPM Oversight Functions

Studies functions include research, surveys, analysis of findings, and preparation of reports and other publications 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 (OPE). OPE also reviews the significant actions of the Office of Personnel Management (OPM) and reports on the impact of these actions on Merit System Principles and the commission of Prohibited Personnel Practices (PPPs).

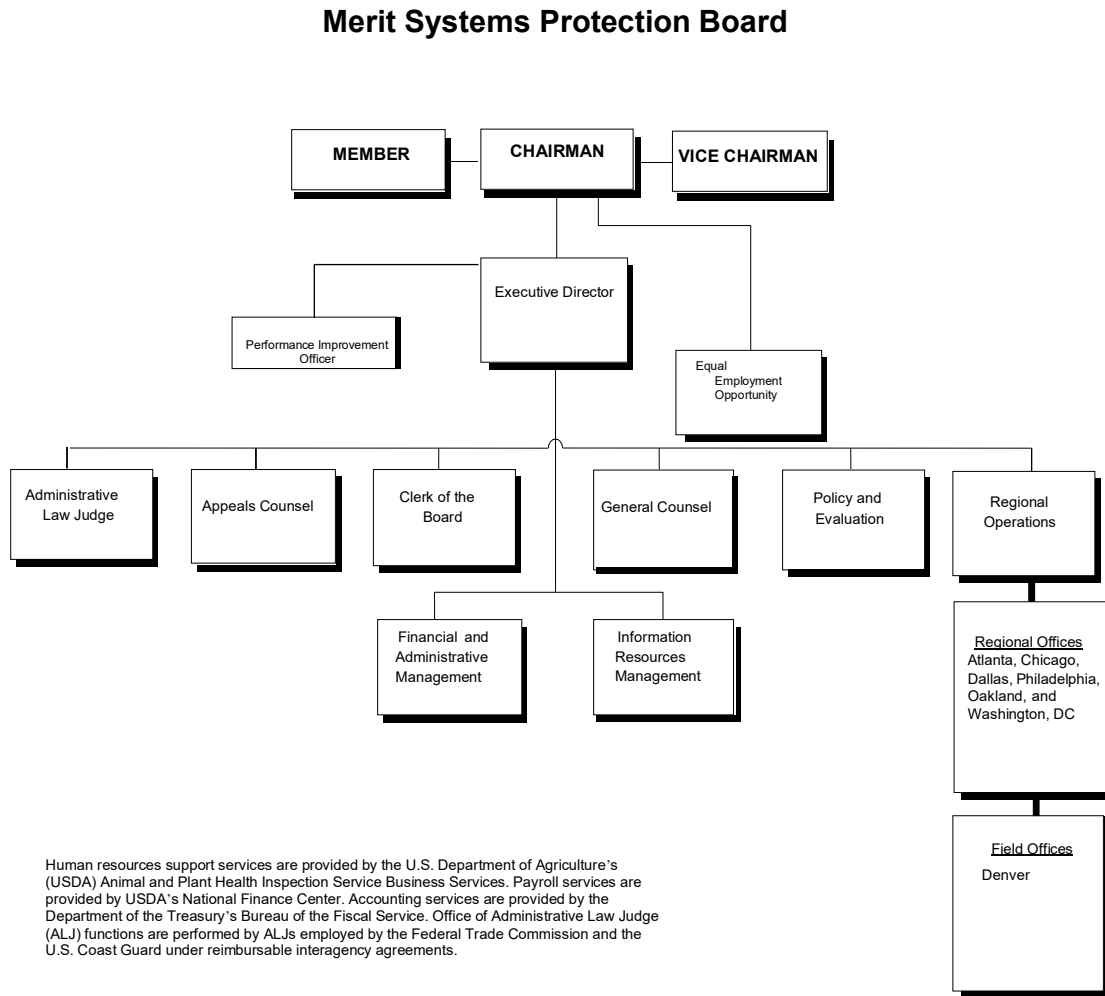
1.2.3 Administrative and Management Support Functions

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 and related programs and services; data governance and control; 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; media relations; and like functions. 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

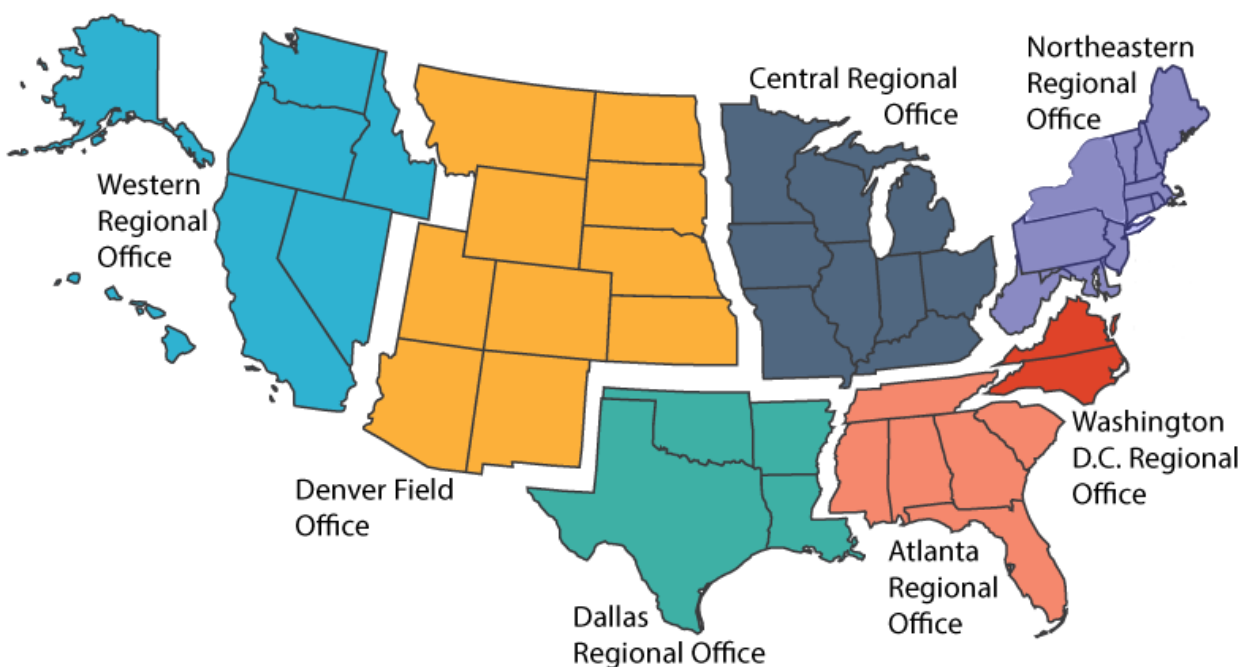
Offices must be aware of the need for coordination and clearance in the exercise of their functions. It is also important to keep other MSPB office functions in mind when dealing with external legislative offices and the media to ensure information consistency. The Office of the General Counsel should be consulted regarding any congressional inquiries that OGC does not answer directly. The Offices of the Clerk of the Board, Appeals Counsel, General Counsel, and Regional Operations, and the Performance Improvement Officer (PIO) as applicable, should be consulted when preparing case statistics for distribution outside the agency (including in response to Congressional requests) and to coordinate media and public relations/information requests. If the time-sensitive nature of a request does not allow for prior consultation with the PIO, the PIO should be informed of the request after the fact. As appropriate, the Executive Director and Communications Director should be consulted on media and public relations/information requests. Internally, changes in workflow 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 for approval.

1.4 MSPB ORGANIZATION CHART



Throughout this Manual, “Board” refers to a quorum of Board members, and “MSPB” refers to the agency as an entity.

1.5 REGIONAL & FIELD OFFICE JURISDICTIONS



1.6 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's adjudicatory, management, and administrative policies are implemented consistently throughout the regional and field offices;
2. Carry out MSPB's mission to hear and decide appeals and other assigned cases;
3. Engage in alternative dispute resolution as part of the regional adjudication process;
4. Manage the Mediation Appeals Program (MAP) for the agency, which includes both regional and petition for review or other headquarters case mediation;
5. Review decisions of administrative judges (AJs) for quality, timeliness, and consistency with applicable laws, regulations, and policy;
6. Perform legal support functions (e.g., creating and managing case files) in connection with cases adjudicated in the regional and field offices;

7. Advise the Board of operational perspectives and issues, and recommend changes in policy and/or regulations on matters related to adjudication, management, and administration in the regional and field offices;
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 the Office of the Clerk of the Board (OCB) and the Executive Director for media and public relations/information requests);
10. Educate the parties who appear before MSPB, and the Federal community in general, about MSPB's rules, procedures, and case law 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 (must receive clearance from the OGC ethics officer before performing such outreach); and
11. Enter appropriate data into e-Appeal and validate such data.

1.7 OFFICE OF THE ADMINISTRATIVE LAW JUDGE

The Office of the Administrative Law Judge (OALJ) adjudicates most cases arising under MSPB's original jurisdiction that could result in a hearing, including Special Counsel disciplinary actions, actions against ALJs, and informal hearings regarding removal from the Senior Executive Service (SES). The Board typically assigns to ALJs (although it may assign to ALJs) Office of Special Counsel (OSC) corrective action cases, pursuant to 5 U.S.C. § 1214 and 5 C.F.R. Part 1201.131. Additionally, although appeals brought by MSPB employees arise under the Board's appellate rather than original jurisdiction, the Board assigns these to ALJs as well pursuant to 5 C.F.R. § 1201.13.

1.8 OFFICE OF APPEALS COUNSEL

The Office of Appeals Counsel (OAC) conducts record review; performs legal research; and prepares recommended decisions, orders, and legal memoranda for the Board in most cases filed at headquarters (i.e., except for original jurisdiction cases or cases assigned to OGC).

Functions assigned to OAC are:

1. Assist the Board by reviewing case records; performing legal research; and preparing recommended decisions, orders, and legal memoranda 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 OGC has determined that the remand requires further adjudication by the Board rather than by a judge, and thus should be processed by OAC);
 - d. Interlocutory appeals of rulings made by judges;
 - e. OSC disciplinary actions when an ALJ has issued an initial decision;
 - f. OSC initial stay requests (when authority has not been delegated by a Board member to OALJ) and matters related to Special Counsel stay requests that have 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. Review, as needed, requests for reopening or reconsideration;
 - 3. When necessary to ensure that factual and legal issues in an appeal are fully developed for the Board's consideration, prepare orders for issuance by the Office of the Clerk of the Board for the parties to further develop the legal or factual record;
 - 4. Recommend changes in policy and/or regulations on matters related to adjudication;
 - 5. Provide legal memoranda to the Board with respect to Government-wide policies and other matters arising in the adjudication of cases;
 - 6. Compile and publish the weekly summary of pertinent court and Board decisions (*Weekly Case Report*);
 - 7. Educate the parties who appear before MSPB, and the Federal community in general, about MSPB practice and decisions by doing outreach to agencies, unions, and other organizations for which such training would be appropriate (subject to clearance from the OGC ethics officer before performing such outreach);
 - 8. Provide legal support services to a Special Panel when one is convened, in coordination with administrative process support provided by OCB;
 - 9. Provide advice and support for cases selected for oral argument before the Board; and
 - 10. Enter appropriate data into e-Appeal and validate such data.

1.9 OFFICE OF THE GENERAL COUNSEL

The Chairman, pursuant to 5 U.S.C. § 1204(i), designates the Office of the General Counsel attorneys to appear for MSPB and represent MSPB in any civil action, other than those before the U.S. Supreme Court, brought in connection with any function carried out by MSPB pursuant to Title 5 of the U.S. Code. As legal counsel to MSPB, OGC advises the Board and MSPB's organizational components on matters of law arising in day-to-day operations. OGC prepares recommended decisions for the Board on assigned cases, represents MSPB in litigation matters, and advises MSPB management and represents MSPB in employment and labor relations matters. The office also coordinates MSPB's legislative policy and congressional relations functions, responds to certain requests for information under 5 C.F.R. Part 1216, develops regulations for the Board, manages MSPB's ethics program, carries out the administrative appeals functions of the FOIA and Privacy Act programs, and provides advice on a wide range of other matters upon request. OGC also is responsible for MSPB's investigative functions under the Inspector General Act of 1978, 5 U.S.C. Appendix 3.

Functions assigned to OGC include:

1. Assist the Board by reviewing case records, performing legal research, and preparing recommended decisions and orders for the Board in the following matters:
 - a. Cases referred to the Board for enforcement upon a finding by a judge or the Board that a party is not in compliance with a final decision or order of the Board;
 - b. Review 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. Disposition of court remands through review and transfer (via OCB) to OAC, a regional or field office, or OGC, as OGC determines is appropriate; 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 in which OGC prepared the decision for the Board.
2. Recommend changes in policy and/or regulations on matters related to adjudication or other issues upon request;
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 pending or anticipated litigation and 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. Develop MSPB regulations – coordinating as needed with OCB and other offices – and submit to the Board for approval;
7. With OCB, coordinate MSPB submissions, if any, to the Federal Register and/or for the Unified Agenda of Federal Regulations;
8. Maintain MSPB’s Organization, Functions & Delegations of Authority Manual;
9. Represent MSPB in labor-management matters including coordination of internal employee relations work with the Human Resources (HR) Director and relevant managers;
10. Represent MSPB in internal employment and similar matters, including MSPB employee appeals and complaints, and in external matters arising from such complaints;
11. Advise all offices regarding requirements under the Ethics in Government Act of 1978, the Hatch Act, and related regulations;
12. Review FOIA and Privacy Act appeals and prepare recommended decisions for the Chairman;
13. Perform legislative counsel, legislative policy, and congressional relations functions; respond to inquiries from the White House and Congress (case-related correspondence in the regional offices may receive a direct response from the relevant regional office); 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;
14. Receive, process, and investigate (or provide for outside investigation if appropriate) allegations of waste, fraud, abuse, and gross mismanagement by MSPB or MSPB employees;
15. Provide advice regarding financial, information security, or other audits coordinated by other MSPB offices;
16. Review and provide legal advice to the Executive Director, the Office of Financial and Administrative Management (FAM), or other offices on contracts, procurement, and appropriations matters;
17. Certify and state basis for closing any Board Sunshine Act meetings as required by 5 C.F.R. § 1206.6(b);
18. Receive and process claims filed under the Federal Tort Claims Act, 28 U.S.C. Chapter 171;
19. Receive and address requests for information or testimony filed under 5 C.F.R. Part 1216; and
20. Enter appropriate data into e-Appeal and validate such data.

1.10 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 and orders. OCB serves as MSPB's public information center, providing information on the status of cases, distributing copies of Board decisions and publications, operating the headquarters' library and online information services, and managing headquarters' subscriptions. 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, in coordination with OGC. In addition, OCB manages the agency-wide FOIA program, privacy program, records management program, Paperwork Reduction Act (PRA) program, and Controlled Unclassified Information (CUI) program. As the custodian of numerous agency records, OCB takes the lead in addressing potential records management issues identified by other offices. The office also contributes to the public website and publications.

Functions assigned to OCB are:

1. Docket all cases filed at headquarters and maintain case files;
2. Review and respond, as appropriate, to all motions and other pleadings filed during the pendency of the case consistent with the Board's regulations and internal practices;
3. Review all Board orders, opinions and orders, and decisions, including orders prepared by OAC and OGC seeking to have parties build the record on legal and factual issues, for compliance with standard format and stylistic requirements, grammatical and typographical accuracy, consistency with Board law, and accurate case citations;
4. Issue all Board orders, including orders prepared by OAC and OGC seeking to have parties build the record on legal and factual issues; orders issued pursuant to 5 C.F.R. § 1200.3; 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; opinions and orders; and decisions;
5. Respond to requests for public information on adjudicatory and other agency matters, except for 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);
6. Sign, issue, or submit for publication letters, orders, Federal Register notices, and other actions disposing of procedural or interlocutory matters, subject to the appropriate clearances, and act as liaison with the Office of the Federal Register;
7. Execute subpoenas on behalf of the Board;
8. Receive 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;

9. Prepare and 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;
10. Provide administrative support to a Special Panel when one is convened;
11. Perform legal and administrative support functions related to MSPB's responsibilities under the Government in the Sunshine Act, in coordination with OGC;
12. Manage the agency-wide records management program, to include planning and prescribing records maintenance and disposition policies and procedures, collaborating and coordinating with all offices on records-management issues (e.g., in procurements and interagency agreements, when creating new types of federal records, and with regional and field office records liaisons), serving as custodian of the agency's official records and seal; and acting as liaison with the National Archives and Records Administration;
13. Manage the agency-wide FOIA program to ensure FOIA compliance, including developing regulations, policy statements, and/or procedures for disclosing information; completing and submitting required agency FOIA reports and complying with other reporting and posting requirements; processing FOIA requests; and advising agency employees and managers of their responsibilities under the FOIA;
14. Manage the agency-wide privacy program to ensure Privacy Act compliance, including developing regulations, policy statements, and/or procedures for complying with the Privacy Act; processing Privacy Act requests; processing disclosures under MSPB's systems of records notices; advising agency employees and managers of their responsibilities under the Act; coordinating with all offices any time there is a potential privacy issue (e.g., in procurements, interagency agreements, data collections, etc.) and reviewing or advising on such matters; and investigating, mitigating, and remediating privacy breaches;
15. Manage the agency-wide PRA program to ensure compliance with the PRA and Office of Management and Budget (OMB) requirements, including maintaining the agency's Information Collection Request (ICR) portfolio, managing ICR renewals, drafting and submitting new ICRs, and collaborating with program offices to determine PRA needs.
16. Manage the agency-wide CUI program to ensure compliance with and implementation of Information Security Oversight Office (ISOO) policies and procedures.
17. Distribute Board decisions to the case parties and the public, and act as liaison with the legal publishers;
18. Manage the law library at MSPB headquarters and the agency-wide provision of online legal research services and related training;
19. Oversee the content of MSPB's public website (www.mspb.gov), in coordination with the Office of Information Resources Management (IRM);

20. 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);
21. 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 (except for appeals of decisions on such requests, which are decided by the CIO) and consulting the PIO and other offices as necessary, and filing the Information Quality Annual Report with OMB;
22. In conjunction with other responsible offices, review case processing statistics, workload reports, and related projections for accuracy and consistency;
23. Serve as system owner for all adjudication-related information systems and, through the e-Appeal Change Control Board, 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;
24. Act as liaison with and provide program oversight for the ALJs contracted to MSPB to perform OALJ functions;
25. Act as liaison with the U.S. Department of Homeland Security (DHS), Transportation Security Administration for the handling of secure sensitive information (SSI) and develop or maintain internal and external policy, procedures, or agreements;
26. Enter appropriate data into e-Appeal and validate such data.

1.11 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.

Functions assigned to OPE are:

1. Develop a research agenda for approval by the Board;
2. Conduct studies relating to the civil service and to other merit systems in the executive branch, and report (on behalf of and after approval by the Board) to the President and to the Congress as to whether the public interest in a civil service free of prohibited personnel practices is being adequately protected;
3. Conduct reviews of OPM significant actions (5 U.S.C. § 1206) and prepare information and narrative of this review for inclusion in the MSPB Annual Report;

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 OPM and agencies for information or records about Federal employees, departments, and agencies (5 U.S.C. § 1204(e)(3));
6. Distribute reports of studies, research briefs, *Issues of Merit* newsletters, and other appropriate publications (on behalf of and after approval by the Board); conduct outreach with Federal and external stakeholders (subject to clearance from the OGC ethics officer before performing such outreach); and disseminate information about studies;
7. Provide appropriate 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 and the PIO, as applicable;
10. In connection with functions assigned to OPE, ensure compliance with OMB or Administration initiatives and related laws, regulations, and directives;
11. Recommend to the Board specific OPM regulations that should be reviewed by the Board under its own motion pursuant to 5 U.S.C. § 1204; and
12. Manage the International Visitors Program.

1.12 PERFORMANCE IMPROVEMENT OFFICER

The Performance Improvement Officer (PIO) coordinates and administers MSPB's strategic and annual performance planning, performance measurement, and performance and statistical reporting to ensure consistency with information presented in strategic planning and performance reporting documents covered under applicable Federal law. Many of the PIO's duties may require consultation with affected offices or programs.

Functions assigned to the PIO are:

1. Advise the Executive Director and agency leadership on performance measurement and linking such measurements to performance management (e.g., SES performance appraisals), and serve on MSPB's Data Governance Body;
2. Manage and conduct internal surveys (performance information and customer feedback on internal programs), and external adjudication customer surveys; and serve as MSPB contact for OPM's Federal Employee Viewpoint Survey;

3. Prepare the agency's Annual Report on behalf of and for approval by the Board, which includes reporting on OPM significant actions as set forth in 5 U.S.C. § 1206 (this aspect of the report is prepared by OPE). The Board reviews and approves the Annual Report.
4. Coordinate and review the annual submissions on behalf of and for approval by the Board pursuant to Government Performance and Results Act (GPRA) as amended by the GPRA Modernization Act of 2010 (GPRAMA), GPRAMA (P.L. 111-352) and OMB Circular A-11, and any other applicable laws or executive orders. The Board reviews and approves these reports;
5. Prepare and provide annual interim performance and final performance results for use in rating SES members and for the Annual Financial Report prepared by FAM, in consultation with affected offices;
6. Prepare agency-level statistics, in consultation with affected offices;
7. Conduct and oversee internal program evaluation, as needed, and in consultation with affected offices; and
8. Serves as the Chief Data Officer, participating in the Chief Data Officer Council on behalf of the agency and leading the internal Data Working Group, to review data practices and reporting.

1.13 OFFICE OF INFORMATION RESOURCES MANAGEMENT

The Office of Information Resources Management (IRM) develops, implements, maintains, and secures MSPB's information systems to support effective and efficient management of MSPB's adjudicatory caseload and its research and administrative responsibilities. The office manages MSPB's operational information technology (IT) across the agency, including strategy, budget, design, and development of MSPB's core adjudication systems, IT infrastructure, network, telecommunications, technical support, and cybersecurity. IRM reviews and proposes procurements of IT systems to include all MSPB hardware and software for compliance, technical feasibility, standardization, and compatibility.

Functions assigned to IRM are:

1. Develop and update the 3-year IRM Strategic Plan, which is part of the MSPB Annual Report;
2. Operate and maintain MSPB's computer systems, including any networks, cloud services, internet, electronic filing, case processing, document management, document assembly, data management, reporting, intranet, wi-fi, remote access, email systems, mobile devices, and cybersecurity;
3. Provide training and support to users of MSPB's computers, systems, and related equipment;

4. Prepare and coordinate with OCB and OGC's Legislative Counsel to submit the annual FISMA report, ensure compliance with computer security requirements in accordance with FISMA guidance, and conduct annual computer security awareness training;
5. Ensure compliance and reporting with IT 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 IT planning and approval of hardware and software purchases, in consultation with FAM (for budget and procurement) and OCB (for privacy and records management), as necessary;
8. Install and provide technical support for all Government-furnished equipment including hardware, software, and peripherals;
9. Design, develop, implement, manage, and maintain business applications including case processing, document management, document assembly, data management, reporting, MSPB's public website, electronic filing, and intranet Portal, and oversee any contractors or vendors performing these functions; provide technical support for all MSPB business applications including case processing, document management, document assembly, data management, reporting, MSPB's public website, electronic filing, and intranet Portal;
10. Ensure secure access to MSPB systems in support of agency continuity of operation plans (COOP) and remote access needs;
11. Through its Accessibility Program Manager or otherwise as appropriate, ensure that all electronic and information technology developed, maintained, procured, or used by MSPB complies with the agency's accessibility requirements established by Section 508 of the Rehabilitation Act;
12. In coordination with OCB, and pursuant to FISMA, develop, document, and implement agency-wide information security programs that include plans and procedures to ensure the security of operations for information systems that support the operations of the agencies; submit annual FISMA report to OMB, DHS, specific committees in the U.S. House of Representatives and the U.S. Senate, and the Government Accountability Office; and
13. Serve as Chief Artificial Intelligence (AI) Officer for the agency.

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. 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 the Treasury Department's Bureau of the Fiscal Service (BFS) 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 Board, prepare support material for the Chairman for presentation to OMB and testimony before Congress, and oversee the program planning and budgeting systems including preparing and distributing operating budgets to offices;
2. Manage and oversee the required annual audited financial statements, assist BFS in selecting an audit firm, provide auditors with necessary documentation to conduct a complete audit;
3. Manage and oversee MSPB's accounting, payroll, procurement, purchase cards, facilities, supply items, printing/copying, inventory, recycling, vehicle maintenance, mission-related transportation using agency vehicles, real and personal property, security (personnel and physical), training and wellness programs, and related financial and other general support programs;
4. Manage and oversee MSPB's travel and transit subsidy programs;
5. Manage and oversee interagency agreements in coordination with appropriate program offices for the provision of various services in support of adjudication functions, employee relations, investigations, organizational assistance and development, and related programs and functions;
6. 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;
7. Manage and oversee the interagency cross-servicing agreement with USDA's APHIS for core personnel services;
8. 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;
9. Manage and oversee the interagency cross-servicing agreement with the Treasury Department's BFS for the provision of accounting, travel, procurement, and related services;
10. Oversee MSPB mail and distribution programs and operate the headquarters mailroom;
11. Manage and oversee MSPB's personnel safety and physical security programs, including COOP, occupant emergency, and shelter-in-place programs; and
12. Coordinate and review the annual submission pursuant to the Federal Activities Inventory Reform Act of 1998, P.L. 105-270 (FAIR).

1.15 OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY

The Director of the Office of Equal Employment Opportunity (OEEO) reports directly to the Chairman on all EEO matters.

OEEO plans, develops, coordinates, and implements all agency EEO policies and procedures, as well as evaluates all other MSPB personnel policies and practices to ensure that they are free from barriers to equal employment. The EEO Director is responsible for managing the EEO complaint process, which is available to all individuals who allege employment discrimination. 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 OEEO are:

1. Develop, coordinate, and implement all MSPB civil rights 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. Process and track requests for reasonable accommodation submitted by MSPB employees and applicants for employment, 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 rectification of program deficiencies;
7. Prepare for the Chairman's review all required reports for external submission (e.g., the annual EEOC Management Directive 715 Report, the Annual 462 Report, and the No FEAR Act Report);
8. Review MSPB's major personnel programs, policies, and procedures, including merit promotion, awards, and training and development, for EEO implications; and recommend changes to eliminate discriminatory practices and barriers to equal employment opportunity;
9. Conduct periodic reviews and analyses of MSPB's workforce data by ethnicity, race, gender, and disability at all stages of the employment lifecycle to determine if systemic barriers exist to equal employment opportunity;
10. Manage any MSPB Federally mandated special emphasis programs, as well as any initiatives and programs relating to the affirmative employment of other EEO groups;
11. Select, supervise, and, when necessary, train, or provide for the training of, MSPB employees as EEO counselors and reasonable accommodation coordinators;

12. Develop, coordinate, implement, and manage MSPB's Alternative Dispute Resolution policy and program offered during the informal and formal EEO complaint processes;
13. Develop, conduct, or process appropriate employee and management EEO training; and
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.

2 DELEGATIONS OF AUTHORITY

This section sets forth MSPB delegations of authority for the adjudicatory, legal, studies, and administrative functions of MSPB. Proposed changes and amendments should be directed to OGC.

In an office that has a Deputy Director, Chief Administrative Judge (CAJ), or other equivalent first-line supervisor under a Director, the responsibilities of the Deputy or equivalent are, by design and intent, flexible. The Deputy or equivalent shares fully with the Director or Regional Director (RD) the responsibility for carrying out all phases of the organization's work. A Deputy or equivalent 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 or other program work, etc.

Together, the Director and the Deputy or equivalent 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 or withdrawn 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 affected staff.

Unless otherwise stated, adjudicative delegations flow from the Board to the relevant office directors and regional directors. Administrative delegations flow from the Chairman to the Executive Director; and as applicable, from the Chairman through the Executive Director, to the office directors. RDs, CAJs, Deputies, or OAC Associate Directors assume the authority of the office director when "acting" for them. Otherwise, redelegations by the office and regional directors should be in writing.

As used in this section, "judge" means the ORO Director, an RD, the ORO Senior Legal Liaison, a CAJ, or an AJ. (Where applicable it may also mean an ALJ.)

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.

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 the Executive Director and/or the Communications Director; issues with budget implications should be coordinated with the FAM Director and the Budget Officer; privacy and records management issues should be coordinated with OCB; reporting and statistics issues should be coordinated with the PIO, etc.

2.3 ADJUDICATION, LEGAL, AND MINISTERIAL DELEGATIONS

2.3.1 Purpose and Overview

MSPB 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 and 7701. 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), Title 38 (Uniformed Services Employment and Reemployment Rights Act cases), and Memoranda of Understanding regarding the Board's authority to hear certain types of cases. The Board's delegations of its adjudicatory authorities may also be effectuated through the issuance of regulations or internal orders. The former are documented in the Federal Register; the latter are documented in the Executive File maintained by OCB.

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 any such OPM regulation is invalid on its face because it would require an employee to commit a PPP, or the OPM regulation is invalidly implemented by an agency such that its implementation requires an employee to commit a PPP. 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), and may

designate either an AJ or ALJ (or other appropriate official) to preside over such hearing.

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. The Board has authority to issue protective orders pursuant to 5 U.S.C. § 1204(e)(1)(B).
7. The Board has authority to award attorney fees pursuant to 5 U.S.C. § 1204(m).
8. The Board has authority to assess civil monetary penalties pursuant to 5 U.S.C. §§ 1215(a)(3) and 7326.
9. The Board has authority to impose disciplinary actions under 5 U.S.C. § 1215(a)(3)(A).
10. The Board has authority to refer PPPs to OSC for investigation pursuant to 5 U.S.C. § 1221(f)(2).
11. The Board has authority to authorize an agency to take adverse actions against ALJs pursuant to 5 U.S.C. § 7521.
12. The Board has authority to reopen final Board decisions pursuant to 5 U.S.C. § 7701(e)(1)(B).
13. The Board has authority to rule on motions to intervene and invite amicus curiae participation pursuant to 5 C.F.R. § 1201.34.
14. The Board has the authority to rule on interlocutory appeals pursuant to 5 C.F.R. § 1201.91.
15. The Board has the authority to issue stays pursuant to 5 U.S.C. § 1214(b)(1)(A)(ii).

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). Unless otherwise specified by statute, 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 to and through the ORO Director, and to and through the RDs, to the CAJs and AJs. 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 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 except as otherwise provided by 5 U.S.C. § 1214(b)(1)(B)(ii) or other applicable law.
6. The Board retains all decision-making authorities not specifically delegated by the Board, except those that by statute or regulation may be exercised by an individual Board member.

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, otherwise direct that a judge's decision be reviewed by the Board, or reopen any decision (by the Board or a judge) that has become final so that it may be reviewed by the Board. 5 U.S.C. § 7701(e)(1). However, once the PFR is granted or the decision reopened, the Board must issue any subsequent final order or decision.
2. Any member of the Board may grant a request by OSC for an initial 45-day stay of a personnel action, 5 U.S.C. § 1214(b)(1)(A)(ii), and, when there is only one Board member and therefore no quorum, a single Board member may extend an OSC stay, 5 U.S.C. § 1214(b)(1)(B)(ii). Additionally, when a quorum is not present, a single Board member may make stay extension determinations in accordance with the delegation executed in section 2.3.2.2(5).
3. Any member of the Board, any ALJ appointed by the Board under section 3105 of Title 5, and any AJ 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 to order the taking of depositions from, and responses to written interrogatories by, any such individual. 5 U.S.C. § 1204(b)(2).
4. Any member of the Board may request an advisory opinion from the OPM Director pursuant to 5 U.S.C. § 1204(e)(1)(A);
5. When designated by the Board to do so, a single Board member may administer oaths, examine witnesses, take depositions, receive evidence, issue subpoenas, and order depositions and responses to written interrogatories pursuant to 5 U.S.C. § 1204(b).

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 OGC 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 to 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 ORO Director 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 ORO Director the authority to provide for the adjudication of cases filed at MSPB headquarters that are assigned to a regional or field office for adjudication.

2.3.3.2 Redelegations of Adjudicatory Authorities to Regional Directors and Administrative Judges

The ORO Director redelegates to MSPB's RDs the authority to adjudicate all cases filed in MSPB regional and field offices, as well as MSPB headquarters cases that are assigned to a regional or field office for adjudication. The ORO Director may also hear cases directly and may redelegate adjudication authority to the ORO Senior Legal Liaison. The RDs redelegate their adjudication authority to CAJs and AJs. 5 C.F.R. § 1201.41. The RDs may also adjudicate cases directly.

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 AJs 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, AJs may exercise all authorities vested in them via the above delegations and under MSPB's regulations. In addition, they may exercise authorities vested in them under adjudicatory pilot projects approved by the Board during the pendency of the project. AJs will issue initial decisions and orders as provided by MSPB's regulations.

2.3.4 Administrative Law Judge

2.3.4.1 Delegations of Adjudicatory Authorities to Administrative Law Judges - 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. In practice,

despite these delegations, the Board may in its discretion assign an RD, CAJ, or AJ to adjudicate corrective action complaints brought by the Special Counsel (subparagraph 2.3.4.1(4)) or to hold informal hearings in performance-based removals from the SES (subparagraph 2.3.4.3).

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 PPP 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 hearings under 5 U.S.C. § 3592(a).

2.3.4.2 Delegations of Adjudicatory Authorities to Administrative Law Judges - 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, and delegated authority to adjudicate them attaches to such assignment.

2.3.4.3 Exercise of Authorities by Administrative Law Judges

In hearing and deciding cases under the above, an ALJ may exercise all authorities vested in judges under the above delegations and 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 Authorities to the Clerk of the Board

The Board delegates to the Clerk of the Board the following adjudicatory authorities with respect to cases filed with, pending before, or decided by the Board (including any initial decisions that became final per 5 C.F.R. § 1201.113); and the following non-adjudicatory authorities, as applicable:

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 rule on the time for filing pleadings;
5. Authority to rule on motions for consolidation, joinder, or intervention, and other procedural motions;
6. Authority to issue responses to requests for reconsideration or reopening;
7. Authority to issue show cause orders, including orders prepared by OAC and OGC seeking to have the parties build the record on legal and factual issues, and notices as appropriate;
8. Authority to sign all Board orders, including orders prepared by OAC and OGC seeking to have the parties build the record on legal and factual issues, opinions and orders and decisions, unless otherwise directed by the Board;
9. Authority to issue errata or addenda to Board orders, opinions and orders, and decisions, as necessary;
10. Authority to prepare and/or issue orders ruling on motions to seal records;
11. Authority to sign and submit regulations on behalf of the Board, following Board vote;
12. Authority to execute subpoenas on behalf of the Board as required;
13. Authority to administer oaths and affirmations at hearings before the Board or any Board member; and

14. 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.

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 in writing on behalf of the Board.

2.3.6 Office of the General Counsel

2.3.6.1 Delegations of Authorities to the Office of the General Counsel

The Board delegates to OGC the following adjudicatory and non-adjudicatory authorities:

1. 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;
2. 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 to order the taking of depositions from, and responses to written interrogatories by, any such individual;
3. Authority to draft a decision for the Board that reviews the rules and regulations of OPM under 5 U.S.C. § 1204(f), including their implementation by OPM and agencies other than OPM;
4. As MSPB congressional liaison, and after consulting relevant offices, 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; and
5. 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.

2.4 STUDIES AND REVIEW OF OPM SIGNIFICANT ACTIONS DELEGATIONS

2.4.1 Purpose and Overview

As provided by statute, the Board exercises authorities related to studies and to review of OPM significant actions. The Board may delegate exercise of these authorities as permitted by law. This section documents such delegations.

2.4.2 Studies and Review of OPM Significant Actions Authorities and Delegations

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. The Board's delegations of these authorities may also be effected through the issuance of regulations or internal orders.

2.4.2.1 Special Studies and Review of OPM Significant Actions Authorities

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 PPPs 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 PPPs. 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 Review of OPM Significant Actions Authorities and Delegations

1. The Board delegates to the OPE Director the authority to conduct special studies that have been approved by the Board, and to develop a proposed research agenda for approval by the Board. (The Board retains approval authority for special studies, transmittals to Congress, review of OPM significant actions, and other OPE publications. The OPE Director may publish and disseminate the *Issues of Merit* newsletter or other publications after approval by the Board.)
2. The Board delegates the review of OPM significant actions to the OPE Director, subject to approval (via the Annual Report) by the Board. (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 delegated authority to conduct such review for the Board per 5 U.S.C. § 1204(f).)

2.5 ADMINISTRATIVE DELEGATIONS

The Chairman, as the agency's chief executive and administrative officer, exercises the agency's personnel and staffing functions, with the exception of appointments that are made or ratified by a quorum of the Board in accordance with the Appointments Clause of the Constitution. 5 U.S.C. § 1204(j); U.S. Const., art. II, § 2. The Chairman otherwise delegates personnel functions to and/or through the Executive Director and, as necessary, to office and regional directors. To the extent

the agency's non-personnel administrative functions are the province of the Board rather than the Chairman, the Board delegates them to the Chairman, as the agency's chief executive and administrative officer. The Chairman redelegates these functions to and/or through the Executive Director, and as necessary, to office and regional directors.

2.5.1 Abbreviations and Terminology

CAJ	Chief Administrative Judge
CB	Clerk of the Board
CIO	Chief Information Officer
COR	Contracting Officer's Representative
DFAM	Director, Financial and Administrative Management
DORO	Director, Office of Regional Operations
ED	Executive 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	DFAM, through ED	Yes

2.5.2.2 Staffing

Activity	Delegated to	May Re-delegate
Approve SF-52s, Request for Personnel Action (after consulting ED)	DFAM, through ED	Yes
Approve law school and other student volunteer agreements	DFAM	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 ³	DFAM, through ED	Yes

³ The Board retains and does not delegate the authority to appoint individuals whose positions are required under the Appointments Clause of the U.S. Constitution (Article II, § 2) to be appointed by the agency head. FAM effectuates these appointments after they are made by the Board.

Sign notice to veteran that MSPB is unable to restore them to a position to which they are 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
Authorize staff to administer Oaths of Office	DFAM, through ED	Yes
Make suitability determinations and take suitability actions in accordance with 5 C.F.R. § 731.103(a), in cases involving applicants for and appointees to covered positions in the agency.	DFAM, through ED	No

2.5.2.3 Pay

Activity	Delegated to	May Re-delegate
For non-Schedule C employees, approve pay above the first step for new appointees based on superior qualifications (after consulting ED). The Chairman approves pay for Schedule C employees (but may consult DFAM and/or ED for guidance).	DFAM, though ED	Yes
Approve employment credit time for non-Federal work experience (after consulting ED)	DFAM, through ED	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, through ED	Yes

2.5.2.5 Hours of Duty and Leave

Activity	Delegated by ED to	May Re-delegate
Establish tours of duty:		
Consistent with agency policy	HOD/RD	Yes
Non-standard tours of duty	HOD/RD	Yes
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	ED	No
Approve credit hours	HOD/RD	Yes
Order or approve holiday work	ED	No
Approve charging of absence to:		

Accrued annual or sick leave or other leave, except Absence Without Leave (AWOL)	HOD/RD	Yes
AWOL	HOD/RD	Yes
Leave without pay (LWOP) for 30 days or less	HOD/RD	Yes
LWOP for more than 30 days (after consulting ED)	HOD/RD	No
Approve advanced annual or sick leave	ED	Yes
Approve leave under the Family Medical Leave Act (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 Telework Agreements in accordance with agency policy and, as applicable, the Collective Bargaining Agreement	HOD/RD	Yes
Approve situational telework requests in accordance with agency policy and, as applicable, the Collective Bargaining Agreement	HOD/RD	Yes
Approve or deny applications for, and other actions related to, phased retirement, in accordance with agency policy	ED	No
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 not otherwise governed by the agency's Weather and Safety Leave Policy or other contingency plans (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 of the public business (following determination by the Chairman (or their designee, if expressly designated to perform such function), pursuant to 5 C.F.R. § 630.305, that an exigency of the public business exists for purposes of the leave restoration request)	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, in accordance with agency policy	ED	Yes
Approve performance and spot/incentive awards in accordance with agency policy	ED	Yes

2.5.2.7 Employee Development

Activity	Delegated to	May Re-delegate
Approve training within budget (except involving foreign travel)	HOD/RD	Yes
Approve individuals to receive centrally funded executive-level, management, or supervisory training.	ED	No
Approve training involving foreign travel	ED	No
Approve continuous job-related training over 120 days (960 hours)	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 or activities (in coordination with ethics clearance by OGC)	HOD/RD	Yes
Adverse actions:		
Sign letters proposing adverse action (after consulting OGC)	HOD/RD	Yes
Sign decision letters for non-temporary employees who are not serving a probationary or trial period, including Schedule Policy/Career employees (after consulting OGC). ⁴	ED/HOD	No
Actions in Connection with Individuals Serving Initial Probationary or Trial Periods:		
Certify that finalization of the appointment advances the public interest. (If the employee is an individual whose appointment is made by a quorum of the Board, consult with the Board members (or agency head, if the Board is inquorate) prior to signing the certification document.)	ED/HOD	No
Terminate the appointment prior to the end of the initial probationary/trial period. ⁵	ED/HOD	No
Effect approved finalizations or terminations of appointments	DFAM	Yes
Sign final agency decisions on formal (non-CBA) 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

⁴ The Board expressly reserves and does not delegate removal authority for individuals whose appointments are made by a quorum of the Board. For such individuals, a quorum of the Board approves the removal (unless the Board is inquorate, in which case the agency head alone approves. A removal approved by the agency head may be ratified by a subsequently installed quorum of the Board.).

⁵ The Board expressly reserves and does not delegate termination authority for individuals whose appointments are made by a quorum of the Board. For such individuals, a quorum of the Board approves the termination (unless the Board is inquorate, in which case the agency head alone approves. A termination approved by the agency head may be ratified by a subsequently installed quorum of the Board.).

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 Budget Justifications	DFAM	Yes
Approve OMB and Congressional Budget Justifications	ED	No
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 MSPB, after review and advice by OGC and consultation with FAM regarding budget implications	ED	Yes

2.5.4 **Travel**

2.5.4.1 **Domestic**

Activity	Delegated to	May Re-delegate
Approve travel authorizations	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:		
For remote work employee	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 travel that is:		
Hearing related	HOD/RD	No
Non-hearing related	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 Information Requests, 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, pursuant to 5 C.F.R. Part 1216	GC	Yes
Respond to and issue decisions on claims filed under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 1402(b), 2401(b), and 2671-2680	GC	No
Grant or deny initial requests for records under FOIA (after consultation with affected office, as necessary)	CB	Yes
Grant or deny initial requests for access to, or amendment of, a record under the Privacy Act (after consultation with affected office, as necessary)	CB	Yes
Grant or deny requests for correction of information disseminated to the public in response to information quality complaints (in consultation with PIO and affected offices, as necessary)	CB	Yes
Decide appeals of CB's granting or denying requests in response to information quality complaints (in consultation with PIO and affected offices, as necessary)	CIO	No

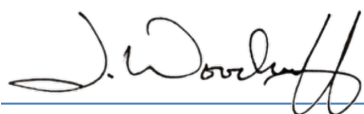
2.5.7 Procurement

Activity	Delegated to	May Re-delegate
Issue Contracts/Purchases:		
Authorize contracts for supplies and services (FAR Part 1)	ED	Yes
Manage contracting functions (FAR Part 1)	ED	Yes
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 Contracting Officers	DFAM/ED	No
Appoint Contracting Officer's Representatives (CORs)	DFAM/ED	No
Negotiate and approve preliminary specifications (after consulting FAM contracting officer unless COR trained)	HOD	No
Sign formal agreements	DFAM	Yes
Administer interagency agreements:		
Negotiate and approve preliminary specifications	DFAM/ED	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	DFAM/ED	Yes
Approve "sole source" contracts	DFAM	No
Approve interagency agreements (FAR Part 1)	ED	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 lease 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 panel to investigate loss of personal property)	DFAM	Yes/GC
Decide appeals from the findings of a Board of Survey	ED	Yes



8/25/26

James J. Woodruff, II
Chairman

DATE



8/25/26

Henry J. Kerner
Vice Chairman

DATE

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.

August 2026 – Reviewed and updated the April 2011 Manual; moved maintenance of this document from OCB to OGC.