



U.S. MERIT SYSTEMS PROTECTION BOARD

Office of the Chairman
1615 M Street, NW
Washington, DC 20419-0002

Phone: (202) 653-7101 ; Fax: (202) 653-7208; E-Mail: chairman@mspb.gov

Chairman

February 21, 2013

The Honorable Tom Carper
Chairman, Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

As the Chairman of the U.S. Merit Systems Protection Board (MSPB), I am writing to address a matter of critical importance to our agency in connection with the possible government-wide "sequestration," and specifically, the possible furlough of a significant number of federal employees. I would like to request a brief meeting with you at your earliest convenience to discuss these issues in greater detail.

Under title 5 of the United States Code, MSPB is responsible for, among other things, adjudicating appeals by federal employees of "adverse personnel actions" by federal agencies including removals, suspensions for more than 14 days, reductions in pay, demotions, and furloughs of 30 days or less. Most federal employees who are subjected to adverse personnel actions have a statutory right to appeal that action to MSPB. During Fiscal Year 2012, MSPB issued a total of 7,585 decisions, including 6,523 initial decisions issued by the regional and field offices, and 1,050 decisions issued at headquarters.

The possibility of sequestration is of unique concern to MSPB because of our statutory responsibility to hear appeals by federal employees of "furloughs of 30 days or less." A furlough is defined as "the placing of an employee in a temporary status without duties and pay because of lack of work or funds or other nondisciplinary reasons." It has been reported that sequestration could result in the furlough of "hundreds of thousands" of federal employees. If this report is accurate, and if even a fraction of federal employees who are furloughed as a result of sequestration exercise their right to file an appeal, it would not only dramatically increase MSPB's caseload but create a "domino effect" that could seriously affect the operations of federal agencies, as they divert resources from fulfilling mission-critical work to litigating furloughed employees'

appeals. Moreover, MSPB itself could be required to furlough its workforce as a result of sequestration, leaving the agency with less staff and fewer resources to process and decide furlough appeals.

Again, I would like to schedule a brief meeting with you to provide a more detailed explanation of the potential impact of the sequestration from MSPB's perspective. Bryan Polisuk, MSPB General Counsel, will follow up with your staff to determine whether and when a meeting can be scheduled in the near future. Mr. Polisuk may be reached at bryan.polisuk@mspb.gov or by phone at (202) 254-4403.

Thank you for your consideration of my request. I look forward to speaking with you.

Sincerely,



Susan Tsui Grundmann