# POSITION DESCRIPTION

# Member/Chairman, merit systems protection board

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| **OVERVIEW** |
| Senate Committee | Homeland Security and Governmental Affairs |
| Agency Mission | To protect the merit system principles and promote an effective federal workforce free of prohibited personnel practices[[1]](#endnote-1) |
| Position Overview | The Merit Systems Protection Board (MSPB) hears and adjudicates appeals by federal employees involved in personnel actions, including removals, suspensions and demotions. The board also reviews regulations issued by the Office of Personnel Management (OPM) and conducts studies of the federal personnel system.[[2]](#endnote-2) |
| Compensation | Chairman: Level III $165,300 Members: Level IV $155,500[[3]](#endnote-3) |
| Position Reports to | The MSPB is an independent federal agency. A member may be removed by the president only for inefficiency, neglect of duty or malfeasance in office. (5 U.S.C. § 1202)  |
| **RESPONSIBILITIES** |
| Management Scope | In fiscal 2015, the MSPB had $43 million in budget outlays and 227 employees.[[4]](#endnote-4) |
| Primary Responsibilities | * Hears or adjudicates, or provides for the hearing or adjudication, of all matters within the jurisdiction of the board and takes final action on any such matter
* Orders any federal agency or employee to comply with any order or decision issued by the board and enforces compliance with any such order
* Conducts, periodically, special studies relating to the civil service and other executive branch merit systems to determine whether they are free of prohibited personnel practices and are adequately protecting the public interest, and reports the results to the president and Congress
* Reviews OPM rules and regulations (5 U.S.C. § 1204)
* (Chairman only): Serves as MSPB’s chief executive and administrative officer (5 U.S.C. § 1203)
* (Vice chairman only): Performs the functions vested in the chairman in his or her absence or if the chairman is unable to perform those functions
* (Board members): Perform the functions vested in the chairman during both the chairman’s and vice chairman’s absence or if neither the chairman or vice chairman is able to perform those functions
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| Strategic Goals and Priorities | As an independent federal agency, the MSPB is expected to hear and adjudicate cases within its jurisdiction and to issue compliance orders, when needed, consistent with the requirements of the law. MSPB also selects the subject matter and scope of its periodic special studies of the federal merit system, including oversight of OPM, based on its independent judgment of which reviews and studies will best serve the goal of maintaining a civil service free of prohibited personnel practices and in compliance with the statutory merit system principles. |
| **REQUIREMENTS AND COMPETENCIES** |
| Requirements | * Board requirements:
* The MSPB is composed of three members, with at least one from a different political party than the other two (5 U.S.C. § 1201)
* Members serve seven-year terms
* Any member appointed for a seven-year term may not be reappointed to any following term but may continue to serve beyond the expiration of the term until a successor is appointed and has qualified, except that such member may not continue to serve for more than one year after the date on which the term of the member would otherwise expire under this section (5 U.S.C. § 1202)
* No member of the board may hold another office or position in government, except as otherwise provided by law or at the direction of the president
* Board member requirements:
* Legal training and a law degree (preferred)
* (Chairman only): Experience successfully managing a complex organization of highly skilled professionals
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| Competencies | Board members are individuals who, by demonstrated ability, background, training or experience, are especially qualified to carry out the board’s functions. Desirable competencies include:* Ability to be nonpartisan and viewed as such, given the quasi-judicial nature of the board
* Understanding of and appreciation for the workings of a competent, nonpartisan career civil service (Congress and others rely on the board’s studies and reports to determine where there are weaknesses in the federal civil service and to make sound recommendations for changes and improvements)
* Ability to withstand and respond to public scrutiny on controversial legal decisions or studies for which there are strongly held views on both sides of the issue
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| **PAST APPOINTEES** |
| Mark A. Robbins (2012 to 2017): General Counsel, United States Election Assistance Commission; Senior Rule of Law Advisor for the State Department in Babil Province, Iraq; Executive Director of the White House Privacy and Civil Liberties Oversight Board; General Counsel of the Office of Personnel Management[[5]](#endnote-5) |
| Susan Tsui Grundmann (2009 to 2017): General Counsel, National Federation of Federal Employees; Instructor, Federal Sector Law, William W. Winpisinger Education and Technology Center, International Association of Machinists and Aerospace Workers; General Counsel, National Air Traffic Controllers Association[[6]](#endnote-6) |
| Neil McPhie (2003 to 2009): Senior Assistant Attorney General, Office of the Attorney General of Virginia; Executive Director, Virginia Department of Employment Dispute Resolution; Assistant Attorney General, Office of the Attorney General of Virginia[[7]](#endnote-7) |

1. https://www.mspb.gov/About/about.htm [↑](#endnote-ref-1)
2. Leadership Directories: https://lo.bvdep.com/OrgDocument.asp?OrgId=-1&LDIBookId=19&LDIOrgId=155191&LDISecId=201&FromRecent=0&Save=1&Position=-1#O155191 [↑](#endnote-ref-2)
3. The Consolidated Appropriations Act, 2017 (Public Law 115-31, May 5, 2017), contains a provision that continues the freeze on the payable pay rates for certain senior political officials at 2013 levels during calendar year 2017. [↑](#endnote-ref-3)
4. Leadership Directories: https://lo.bvdep.com/OrgDocument.asp?OrgId=-1&LDIBookId=19&LDIOrgId=155191&LDISecId=201&FromRecent=0&Save=1&Position=-1#O155191 [↑](#endnote-ref-4)
5. https://www.mspb.gov/About/members.htm [↑](#endnote-ref-5)
6. Leadership Directories: https://lo.bvdep.com/PeopleDocument.asp?PersonId=-1&LDIPeopleId=917817&Save=1 [↑](#endnote-ref-6)
7. http://www.tullylegal.com/our-team/neilmcphie/ [↑](#endnote-ref-7)