



# Merit Systems Protection Board

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## **The Merit Systems Protection Board Celebrates its 30th Anniversary**

Monday, January 12, 2009, is the 30<sup>th</sup> Anniversary of the establishment of the U.S. Merit Systems Protection Board. On October 13, 1978, President Carter signed the Civil Service Reform Act of 1978 (CSRA) which provided for the creation of the Office of Personnel Management, the Federal Labor Relations Board, and the U.S. Merit Systems Protection Board (MSPB).

The CSRA, which abolished the Civil Service Commission, represented the first comprehensive reform of civil service law since the Pendleton Act of 1883, which replaced the “spoils system” with a merit-based civil service system for Federal employment. The MSPB honors the Pendleton Act by displaying the date “1883” on its agency shield and logo.

The CSRA established the MSPB and its primary mission to ensure that Federal personnel management is implemented consistent with merit system principles and free from prohibited personnel practices. In its first 20 years, the MSPB decided nearly 200,000 cases. In the last ten years, the MSPB has added approximately 86,000 more decisions to this case record.

The last ten years has seen significant decisions. Notable include: *Hesse v. Department of State*, 82 MSPR 489 (1999), where the MSPB held that an adverse security clearance determination is not an appealable “personnel action”; *Rusin v. Treasury*, 92 MSPR 298 (2002), which established the test for proof of jurisdiction over an Individual Right of Action appeal under the WPA; and *Dean v. USDA* 99 MSPR (2005), where the Board held that the selection under the Outstanding Scholar Program of a non-preference eligible who had not taken a competitive examination violates a preference eligible's right to compete under 5 USC 3302 and 3304.

The MSPB is also responsible for performing periodic studies of the Federal merit system and reporting its findings to the President and Congress. In the MSPB's first 20 years, 50 MSPB reports were produced including landmark studies that highlighted issues within the Federal Government such as sexual harassment, removal for incompetence, reduction in force, and reprisal for reporting instances of fraud, mismanagement, or other abuses of authority (whistleblowing). Since 1999, the MSPB has published an additional 35 reports on the health of the Federal merit systems.

Chairman Neil A.G. McPhie, who has led the MSPB since December 2003, is proud of the accomplishments of the MSPB. He states, "The MSPB has a well-deserved reputation for working diligently to earn the public's trust in fulfilling our statutory mission. We have made great strides in improving all aspects of agency operations, and have become one of the best places to work in the Federal Government. I am immensely gratified to serve with the MSPB."

The MSPB is an independent, quasi-judicial agency with responsibility for deciding Federal employee appeals from personnel actions taken against them, protecting the integrity of the civil service and other Federal merit systems, and conducting studies of the civil service and other merit systems in the Executive Branch. Please visit the MSPB at its website at [www.mspb.gov](http://www.mspb.gov).

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