



U.S. MERIT SYSTEMS PROTECTION BOARD

Policy on Prohibited Conduct

The U.S. Merit Systems Protection Board (MSPB or the Board) is committed to promoting a safe and productive work environment for its personnel and the people it serves so that it may carry out its mission to “Protect the Merit System Principles and promote an effective Federal workforce free of Prohibited Personnel Practices.” While parties to an appeal and other MSPB stakeholders may disagree strongly with each other and/or MSPB personnel during the appeal process or through interactions regarding MSPB’s jurisdiction and processes, no individual is permitted to abuse the Board’s adjudicatory process or personnel.

Unacceptable conduct includes:

1. Physically or verbally assaulting parties, witnesses, or Board personnel;
2. Harming or threatening harm (in person, over the telephone, by mail, by fax, or in electronic communications) to parties, witnesses, Board personnel or Board offices;
3. Engaging in harassing, abusive, disruptive, or contumacious conduct, including but not limited to the use of profanity or excessively persistent telephone, email, fax, or in-person communications, that impedes Board personnel from performing their duties;
4. Using disparaging language based on race, color, religion, sex, national origin, age, sexual orientation, disability, marital status, and/or political affiliation;
5. Recording conversations with Board personnel without the Board’s consent; and
6. Contacting or attempting to contact Board personnel at their personal addresses, telephone numbers, or emails, or through social media.

Engaging in such prohibited conduct may result in the Board taking steps to protect its personnel and resources such as banning the offending individual from entering the Board’s offices, ceasing in-person, electronic or telephonic communications with the individual, and/or barring the individual from filing pleadings. In addition, the Board may impose sanctions as set forth in 5 C.F.R. § 1201.43, or, as a last resort, terminate an appeal with prejudice. The Board may also report such prohibited conduct to Federal law enforcement for appropriate action.

The Board will provide appropriate warnings to an offending individual and any representative, allow a response to the actual or proposed sanction when feasible, and document the reasons for any resulting sanction in the appeal record for pending matters and/or in separate written communications to the offending individual. In the event the Board imposes any limits on an individual as a result of prohibited conduct, the Board will provide information regarding whether the individual may request permission to file pleadings and/or communicate with MSPB in any pending or future case, and the method by which the individual may request such permission.