



March 23, 2021

Ambassador Catherine Russell
Assistant to the President and Director
Office of Presidential Personnel
1800 G Street NW
Washington, DC 20502

Re: Federal-Postal Coalition Request to Nominate Qualified Individuals to the Merit Systems Protection Board (MSPB)

Dear Ambassador Russell:

We write as members and allies of the Federal-Postal Coalition, an alliance of more than 30 national member organizations that collectively represent more than five million federal and postal workers, retirees and their dependents across the country, to request the Biden-Harris Administration take urgent action to restore a quorum to the Merit Systems Protection Board (MSPB) by nominating qualified individuals and transmitting their nominations to the Senate.

The MSPB has been hamstrung from doing its important work for more than four years. This small, independent federal agency is the primary adjudicative body for millions of federal employees and their agencies. The functioning of this agency is absolutely critical to meeting the administration's pledges to revitalize and protect the federal workforce.

Yet since January 2017, the MSPB has lacked the necessary quorum of Senate-confirmed board members to adjudicate cases. Since February 2019, the MSPB has not had a single board member – crippling the agency's ability to enforce justice under the law for employees and provide clarity on personnel action for agencies.

As a result of the lack of board members, the MSPB now has a historic backlog of more than 3,000 cases, including whistleblower complaints and retaliation concerns. There are also many disputed personnel actions, leaving both employees and agencies in limbo as they await adjudication for years on end.

Traditionally, the MSPB sustains roughly 85 percent of personnel actions. In these cases, the finality of an MSPB decision provides clarity to agencies regarding their handling of personnel matters. In the 15 percent of cases where the MSPB rules in favor of the employee, the employee often returns to work with back pay. Each day the MSPB operates without a quorum, the back pay agencies will need to provide to reinstated employees grows. Some reports estimate agencies will owe at least [\\$60 million](#) in back pay once final decisions resume.

Without a functioning MSPB, thousands of federal employees, including critical federal whistleblowers, are denied justice at a costly expense to taxpayers.

In order to provide clarity to agencies and justice for employees, we urge the Biden-Harris Administration to work expeditiously to restore a quorum to the MSPB. Should you require any further information, please contact the Federal-Postal Coalition Chair, John Hatton at jhatton@narfe.org.

Sincerely,

American Federation of Government Employees (AFGE)
American Federation of State, County and Municipal Employees (AFSCME)
American Foreign Service Association (AFSA)
FAA Managers Association (FAAMA)
Federal Education Association (FEA)
Federal Managers Association (FMA)
International Association of Fire Fighters (IAFF)
International Federation of Professional and Technical Engineers (IFPTE)
Laborers' International Union of North America (LIUNA)
National Air Traffic Controllers Association (NATCA)
National Active and Retired Federal Employees Association (NARFE)
National Association of Assistant United States Attorneys (NAAUSA)
National Association of Federal Veterinarians (NAFV)
National Association of Government Employees (NAGE)
National Association of Postal Supervisors (NAPS)
National Council of Social Security Management Associations (NCSSMA)
National Federation of Federal Employees (NFFE)
National Treasury Employees Union (NTEU)
National Weather Service Employees Organization (NWSEO)
National Postal Mail Handlers Union (NPMHU)
Patent Office Professional Association (POPA)
Professional Managers Association (PMA)
Senior Executives Association (SEA)
United Postmasters and Managers of America (UPMA)
United Power Trades Organization (UPTO)