

GOVERNMENT MANAGERS COALITION

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January 25, 2021

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

Re: Nominees for the Merit Systems Protection Board (MSPB)

Dear Ambassador Russell:

The Government Managers Coalition (GMC) consists of the five major federal-sector executive and management professional associations representing over 250,000 executives and managers in the federal government. The GMC advocates on behalf of commonly held beliefs within the community of federal executives and managers regarding the formulation, implementation and execution of good governance and policies throughout the federal workforce. We write you today to urge President Biden to act with all expediency possible to restore a quorum to the Merit Systems Protection Board (MSPB).

This small independent federal agency has been hamstrung and crippled during the duration of the Trump Administration, lacking a quorum for four years since January 2017, and any Senate-confirmed Members for two years, since March 2019. As a result, more than 3,000 federal workers have been deprived of an opportunity for justice and an adjudicative hearing before this independent body, leaving both them and their former agencies in limbo. The MSPB is the primary forum available to our members to enforce their workplace rights.

This state of limbo is deeply damaging to both agencies and employees. Employees are deprived of justice under the law. Meanwhile, agencies lack clarity on personnel actions, which are sustained at the MSPB level in nearly 85 percent of cases. For the roughly 15 percent of cases that are ruled in favor of the employee, the employee is ordered to return to work with back pay. Each day that the MSPB remains shuttered, the back pay that agencies will need to pay wronged employees grows. Leaving the MSPB without a quorum is a costly miscarriage of justice.

The following individuals are recommended by the GMC for the Biden Administration's consideration. These are individuals from both sides of the aisle whom the GMC believes have the qualifications and respect for the merit system necessary for leaders of the MSPB. It is our understanding that several of these names were also submitted by our colleagues in labor and civil society, highlighting their universally recognized qualifications in the federal community.

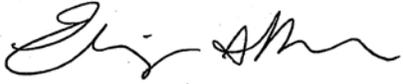
- Cathy Harris, Kator, Parks, Weiser & Harris, PLLC
- Julia A. Clark, former labor attorney & Democrat MSPB nominee by President Trump
- Krista Boyd, General Counsel, House Committee on Oversight & Reform
- Tristan Leavitt, MSPB General Counsel & acting chief executive and administrative officer

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Thank you for your consideration of the GMC's perspective. Please contact Jason Briefel at jbriefel@shawbransford.com if we can be of further assistance.

Sincerely,



ELIZABETH BARCUS
President
FAA Managers Association



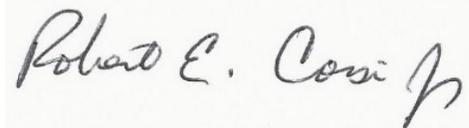
CRAIG CARTER
President
Federal Managers Association



CHAD HOOPER
Executive Director
Professional Managers Association



DAVID LESCARINI
President
National Council of Social Security
Management Associations



ROBERT E. CORSI, JR.
Interim President
Senior Executives Association

CC: Senate Committee on Homeland Security and Government Affairs
House Committee on Oversight and Reform