

Opening Statement – As Prepared
Ranking Member Rob Portman

HSGAC Nomination Hearing

*Nominations of Cathy A. Harris to be a Member and Chair,
and Tristan L. Leavitt and Raymond A. Limon to be Members,
Merit Systems Protection Board*
September 22, 2021 at 10:30 am.

Thank you, Chairman Peters.

Welcome, Ms. Harris, Mr. Leavitt, and Mr. Limon. I appreciate you being here today.

You three have been nominated to the Merit Systems Protection Board, and, if confirmed, will play an important role in safeguarding the integrity and efficiency of the federal government. The MSPB was established to protect the federal merit system principles and to promote an effective federal workforce free of prohibited personnel practices.

However, the Board has lacked a quorum since 2017, the longest the agency has been without a quorum in its history, resulting in a backlog of over 3,000 cases. The Committee thanks the MSPB employees and administrative judges who have worked hard over these past three years to keep the agency's mission alive despite the lack of sitting Board members.

Along with its adjudication function, the MSPB has the power and responsibility to study and report on critical federal workforce issues. This oversight is crucial in a time where the federal workforce faces unprecedented challenges due to COVID-19. The pandemic forced government employees to

work from home, creating a new and challenging dynamic between agency management and their employees. Many agencies continue to work from home, and many have dramatically changed their work from home policies. The effects of mass telework in the federal government on employees, the public, and overall satisfaction and productivity are still largely unknown.

The MSPB also plays a role in the whistleblower protection process. Not only does the Board adjudicate retaliation claims under the Whistleblower Protection Act, but the Board also has the power to study and report to Congress on existing whistleblower protection issues and ways to improve these protections through law.

I look forward to hearing the perspective you would bring to the Board, how you would promptly address the MSPB's case backlog, and your views on the critical federal workforce issues facing our government.

Thank you.