

COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON D.C. 20548

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RELEASED

B-167710

August 22, 1985

The Honorable Patricia Schroeder  
Chairwoman, Subcommittee on Civil Service  
Committee on Post Office  
and Civil Service  
House of Representatives

Dear Madam Chairwoman:

This is in response to your letter of August 1, 1985 asking seven questions concerning the appeals process available to General Accounting Office employees. Your questions are presented in response to our June 12, 1985 letter to Chairman William D. Ford asking that GAO be excluded from the provision of H.R. 917. That bill proposes to extend to employees in the excepted service, including GAO employees, appeal rights to the Merit Systems Protection Board (MSPB). It is our view that GAO employees should not have appeal rights to the MSPB.

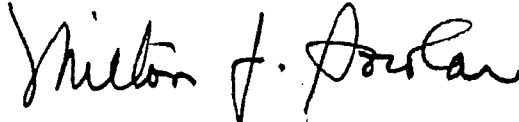
As you know, the General Accounting Office Personnel Act of 1980, 31 U.S.C. §§ 731 et seq., created a GAO Personnel Appeals Board (Board) to perform the functions that the Merit Systems Protection Board, the Federal Labor Relations Authority and the Equal Employment Opportunity Commission would otherwise perform. The Act also established a General Counsel to the Board to investigate and prosecute allegations of prohibited personnel practices and to investigate labor management and employment discrimination cases. The Act contains several provisions to ensure the independence of the Board and its General Counsel. See 31 U.S.C. §§ 751 and 752. Generally the Board is empowered to hear the same matters as the above offices. These include removals, suspensions for more than 14 days, reductions in grade or pay or furloughs of not more than 30 days, prohibited personnel practices, prohibited political activity, matters concerning collective bargaining and discrimination. Our specific responses to your questions, which are enclosed, provide more detail.

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We believe that the procedures outlined in the responses to your questions afford GAO employees all of the protections and rights to appeal that are available to employees in the executive branch. The appeal rights also apply to GAO employees who were in the excepted service prior to enactment of the GAO Personnel Act. It is precisely for this reason that we believe that the provisions of H.R. 917 should not apply to GAO.

The enclosure sets forth each of your questions followed by our answer and includes the supporting documents which you requested. I will be happy to provide you with any additional information that you may need.

Sincerely yours,



Acting Comptroller General  
of the United States

Enclosure