

**U.S. Senate Committee on Homeland Security and Governmental Affairs
Hearing on the Confirmation
On the Nomination of**

**Susan Tsui Grundmann
to be a Member and Chairman
of the U. S. Merit Systems Protection Board**

**Statement for the Record
October 20, 2009**

Good afternoon Chairman Akaka, Ranking Member Voinovich, and members of the Committee. Thank you for this opportunity to appear before you today as you consider confirmation of my nomination to be a Member and the Chairman of the U. S. Merit Systems Protection Board. I am honored by the confidence that President Obama has placed in me by nominating me to this important position of public trust. I pledge that, if confirmed, I will discharge my responsibilities with integrity and in accordance with law, rule and regulation. I also want to thank you for your consistent efforts to ensure that the American public is well served by a civil service system that operates effectively and efficiently.

Mr. Chairman, for most of my practice, I have served as an advocate for Federal employees. During that time, I have also worked with Federal managers at all levels. I have worked in private practice and with the state courts. I have represented the interests of both management and line employees. I have become intimately familiar with the myriad of issues that give rise to workplace disputes. My cumulative experience has provided me with a well grounded perspective of how the merit systems process works to ensure fairness in the Federal workplace. To serve as a Member and Chairman of the Merit Systems Protection Board is the opportunity to once again practice law in a neutral capacity. At the beginning of my legal career, I clerked for the judges of the Nineteenth Judicial Circuit of Virginia and welcome this opportunity to return that experience that laid the foundation for my commitment to public service as a neutral.

As Congress explores avenues for improving certain aspects of the civil service system, the Board's role as an independent and neutral arbiter of fairness and adherence to merit principles by Executive branch agencies remains vital to the effective and efficient operation of the Federal government. In FY 2009, the average case processing time for the initial decision was 83 days. The average case processing time on petitions for review to the full Board was 94 days. These statistics provide a solid basis for confidence in the MSPB appeals process. If confirmed, I will work to build upon the Board's impressive record for timely and balanced adjudication of challenges to adverse personnel actions and other matters under its jurisdiction.

It is crucial that both employees and managers perceive that they have equal access to the process, and that the system provides them with a fair opportunity to present their respective positions. I am committed to ensure transparency of the process through a focus on issuing clear, understandable decisions, that provide "workable" guidelines for the parties and the Board's

att. 5

stakeholders. This objective is particularly important in a venue such as the MSPB where a large percentage of the appeals are filed by pro se appellants. If confirmed, I commit to these fundamental principles from the outset.

The Board's statutory studies function is also a significant part of the agency's responsibility. Study reports issued by the Merit Systems Protection Board are highly regarded in the Federal human resources management community and by the stakeholders of the Board. If confirmed, I plan to work with my fellow board members as well as the Office of Policy and Evaluation to continue this record of excellence. In particular, I pledge to report to the President and the Congress as to whether the public interest in a civil service free of prohibited personnel practices is adequately protected.

Mr. Chairman, at this time, I would be pleased to answer any questions that you or other members of the panel would like to ask of me.