

ACTIONS APPEALABLE TO MSPB v. OSC

- **Actions directly appealable to MSPB:**
 - 1) Removal;
 - 2) Suspension for more than 14 days;
 - 3) Reduction in grade or pay; and
 - 4) Furlough of 30 days or less.

- **Whistleblower complaints which must first go to OSC:**
 - (i) an appointment;
 - (ii) a promotion;
 - (iii) an action under chapter 75 [5 USCS §§ 7501 et seq.] or other disciplinary or corrective action other than the actions which can go directly to MSPB (above);
 - (iv) a detail, transfer, or reassignment;
 - (v) a reinstatement;
 - (vi) a restoration;
 - (vii) a reemployment;
 - (viii) a performance evaluation under chapter 43 [5 USCS §§ 4301 et seq.];
 - (ix) a decision concerning pay, benefits, or awards, or concerning education or training if the education or training may reasonably be expected to lead to an appointment, promotion, performance evaluation, or other action described in this subparagraph;
 - (x) a decision to order psychiatric testing or examination;
 - (xi) the implementation or enforcement of any nondisclosure policy, form, or agreement; and
 - (xii) any other significant change in duties, responsibilities, or working conditions [5 USCS § 2302].

These can include proposed and threatened actions.

- **Personnel actions which cannot be challenged in a whistleblower proceeding:**
 - Revocation of security clearance.