

§ 1203.15

§ 1203.15 Review of regulations on the Board's own motion.

The Board may, from time to time, review a regulation on its own motion under 5 U.S.C. 1204(f)(1)(A). When it does so, it will publish notice of the review in the FEDERAL REGISTER.

[54 FR 28658, July 6, 1989]

§ 1203.16 Proceedings.

The Board has substantial discretion in conducting a regulation review under this part. It may conduct a review on the basis of the pleadings alone, or on the basis of the pleadings along with any or all of the following:

- (a) Additional written comments;
- (b) Oral argument;
- (c) Evidence presented at a hearing; and/or
- (d) Evidence gathered through any other appropriate procedures that are conducted in accordance with law.

ORDER OF THE BOARD

§ 1203.21 Final order of the Board.

(a) *Invalid regulation.* If the Board determines that a regulation is invalid on its face, in whole or in part, it will require any agency affected by the order to stop complying with the regulation, in whole or in part. In addition, it may order other remedial action that it finds necessary.

(b) *Invalidly implemented regulation.* If the Board determines that a regulation has been implemented invalidly, in whole or in part, it will require affected agencies to terminate the invalid implementation.

(c) *Corrective action.* The Board may order corrective action necessary to ensure compliance with its order. The action it may order includes, but is not limited to, the following:

- (1) Cancellation of any personnel action related to the prohibited personnel practice;
- (2) Rescission of any action related to the cancelled personnel action;
- (3) Removal of any reference, record, or document within an employee's official personnel folder that is related to the prohibited personnel practice;
- (4) Award of back pay and benefits;
- (5) Award of attorney fees;

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(6) Other remedial measures to reverse the effects of a prohibited personnel practice; and

(7) The agency's submission of a verified report of its compliance with the Board's order.

§ 1203.22 Enforcement of order.

(a) Any party may ask the Board to enforce a final order it has issued under this part. The request may be made by filing a petition for enforcement with the Office of the Clerk of the Board and by serving a copy of the petition on each party to the regulation review. The request may be filed in electronic form, provided the requirements of § 1201.14 are satisfied. The petition must include specific reasons why the petitioning party believes that there has been a failure to comply with the Board's order.

(b) The Board will take all action necessary to determine whether there has been compliance with its final order. If it determines that there has been a failure to comply with the order, it will take actions necessary to obtain compliance.

(c) Where appropriate, the Board may initiate the enforcement procedures described in 5 CFR 1201.183(c).

[54 FR 23632, June 2, 1989, as amended at 68 FR 59864, Oct. 20, 2003; 69 FR 57631, Sept. 27, 2004]

PART 1204—AVAILABILITY OF OFFICIAL INFORMATION

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