

**§9701.709**

(c) *Appointment procedures for non-Chair MRP members.* (1) The appointments of the two non-Chair MRP members will be made by the Secretary after he or she considers any lists of nominees submitted by labor organizations that represent employees in the Department of Homeland Security.

(2) The submission of lists of recommended nominees by labor organizations must be in accordance with timelines and requirements set forth by the Secretary, who may provide for additional consultation in order to obtain further information about a recommended nominee. The ability of the Secretary to appoint MRP members may not be delayed or otherwise affected by the failure of any labor orga-

**5 CFR Ch. XCVII (1–1–15 Edition)**

nization to provide a list of nominees that meets the timeframe and requirements established by the Secretary.

**§9701.709 Actions involving discrimination.**

Section 7702 of title 5, U.S. Code, is modified to read “MSPB or MRP” wherever the terms “Merit Systems Protection Board” or “Board” are used.

**§9701.710 Savings provision.**

This subpart does not apply to adverse actions proposed prior to the date of an affected employee’s coverage under this subpart.

**PARTS 9702–9799 [RESERVED]**