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Source: 58 FR 61992, Nov. 23, 1993, unless otherwise noted.
Editorial Note: Nomenclature changes to part 28 appear at 76 FR 76873, Dec. 9, 2011.

§ 28.2 Jurisdiction.
(a) The Board has jurisdiction to hear and decide the following:
(1) Proceedings in which the General Counsel seeks to stay a personnel action based upon an alleged prohibited personnel practice that has occurred or is about to occur;
(2) Proceedings in which the General Counsel seeks corrective action for an alleged prohibited personnel practice; and
(3) Proceedings in which the General Counsel seeks discipline for a GAO employee who has allegedly committed a


(b) The purpose of the rules in this part is to establish the procedures to be followed by:
(1) The GAO, in its dealings with the Board;
(2) Employees of the GAO or applicants for employment with the GAO, or groups or organizations claiming to be affected adversely by the operations of the GAO personnel system;
(3) Employees or organizations petitioning for protection of rights or extension of benefits granted to them under subchapters III and IV of Chapter 7 of title 31, United States Code; and
(4) The Board, in carrying out its responsibilities under Subchapters III and IV of chapter 7 of title 31, United States Code.

(c) The scope of the Board’s operations encompasses the investigation and adjudication of cases arising under 31 U.S.C. 753. In addition, the Board has authority for oversight of the equal employment opportunity program at GAO. This includes the review of policies and evaluation of operations as they relate to EEO objectives and, where necessary, the ordering of corrective action for violation of or inconsistencies with equal employment opportunity laws.

(d) In considering any procedural matter not specifically addressed in these rules, the Board will be guided, but not bound, by the Federal Rules of Civil Procedure.

[59 FR 59105, Nov. 16, 1994, as amended at 68 FR 63297, Dec. 12, 2003]
(b) The Board has jurisdiction to hear any action brought by any person or group of persons in the following subject areas:

(1) An officer or employee petition involving a removal, suspension for more than 14 days, reduction in grade or pay, or furlough of not more than 30 days;
(2) A prohibited personnel practice under 31 U.S.C. 732(b)(2);
(3) The appropriateness of a unit of employees for collective bargaining;
(4) An election or certification of a collective bargaining representative;
(5) A matter appealable to the Board under the labor-management relations program under 31 U.S.C. 732(e), including an unfair labor practice under 31 U.S.C. 732(e)(1);
(6) An action involving discrimination prohibited under 31 U.S.C. 732(f)(1); and
(7) An issue about GAO personnel which the Comptroller General by regulation decides the Board shall resolve.

(c) Special jurisdictional rules where matters are covered by a negotiated grievance procedure. If a GAO employee is covered by a collective bargaining agreement containing a negotiated grievance procedure that permits the employee to grieve matters that would otherwise be appealable to the Board, then those matters may only be raised under the negotiated grievance procedure and not before the Board.

(d) Except for actions involving prohibited discrimination (under §28.95) or any other prohibited personnel practice, any appealable action that is excluded from the application of the negotiated grievance procedure may be raised only under the Board’s procedures.

§28.3 General definitions.

In this part—