

clarify the standard applicable when GAO files a representation petition.

*Section 28.113 (Contents of representation petitions):* Subsections (a)(7), (b), and (c) are revised to clarify the required contents of a representation petition.

*Section 28.122 (Negotiability issues):* Subsection (e) is revised to refer to § 28.87 for finality provisions, because of the repeal of § 28.86.

*Section 28.132 (Disciplinary proceedings):* Subsection (e) is revised by streamlining the description of the process for appealing from a final order involving disciplinary action.

*Section 28.133 (Stay proceedings):* This provision is revised substantially.

Subsection (a) is revised to clarify the conditions when an ex parte stay request may be filed.

Subsection (b) is revised to state the purpose for which either a further temporary stay or a permanent stay may be requested.

Subsection (c) is revised to provide for the Board or its presiding member to require further submissions or proceedings on a stay request, and to provide for an additional 30-day period to decide a pending request where necessary.

Subsection (d) is revised to clarify the standard applicable to a request for a further temporary stay under paragraph (b)(1).

Subsection (e) is revised to streamline and clarify the balancing test applicable to a request for permanent stay pending a decision on the merits.

#### *Subpart K—Access to Records*

New Subpart K, including §§ 28.160 and 28.161, is added to state the procedures governing an individual's request for information pertaining to himself or herself and maintained in the custody of the Personnel Appeals Board Office of General Counsel.

#### **List of Subjects in 4 CFR Parts 27, 28 and 29**

Administrative practice and procedures, Equal employment opportunity, Government employees, Labor management relations.

For the reasons stated in the preamble, the General Accounting Office Personnel Appeals Board proposes to amend 4 CFR Chapter I, Subchapter B, parts 27, 28, and 29 as follows:

#### **PART 27—GENERAL ACCOUNTING OFFICE PERSONNEL APPEALS BOARD; ORGANIZATION**

1. The authority citation for part 27 continues to read as follows:

*Authority:* 31 U.S.C. 753.

#### **§ 27.1 [Amended]**

2. Amend § 27.1 as follows:

a. Remove the words “parts 28 and 29” in the second sentence and add in their place “part 28”;

b. In the third sentence, remove the word “reconsideration” and add in its place the word “review”.

3. Amend § 27.3 by revising the last sentence to read as follows:

#### **§ 27.3 The General Counsel.**

\* \* \* The General Counsel, at the request of the Board, shall investigate matters under the jurisdiction of the Board, and otherwise assist the Board in carrying out its functions.

#### **PART 28—GENERAL ACCOUNTING OFFICE PERSONNEL APPEALS BOARD; PROCEDURES APPLICABLE TO CLAIMS CONCERNING EMPLOYMENT PRACTICES AT THE GENERAL ACCOUNTING OFFICE**

4. The authority citation continues to read as follows:

*Authority:* 31 U.S.C. 753.

#### **Subpart A—Purpose, General Definitions, and Jurisdiction**

5. Amend § 28.1 by revising paragraphs (a), (b), and (c) to read as follows:

##### **§ 28.1 Purpose and scope.**

(a) The regulations in this part implement the Board's authority with respect to employment practices within the General Accounting Office (GAO), pursuant to the General Accounting Office Personnel Act of 1980 (GAOPA), 31 U.S.C. 751–755.

(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.\* \* \*

\* \* \* \* \*

6. Amend § 28.2 by revising paragraphs (a) introductory text, and (b)(1) and (b)(3) to read as follows:

#### **§ 28.2 Jurisdiction.**

(a) The Board has jurisdiction to hear and decide the following:

\* \* \* \* \*

(b) \* \* \*

(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) \* \* \*

(3) The appropriateness of a unit of employees for collective bargaining;

\* \* \* \* \*

7. Revise § 28.3 to read as follows:

#### **§ 28.3 General definitions.**

In this part—

*Charge* means any request filed with the PAB Office of General Counsel to investigate any matter within the jurisdiction of the Board, under the provisions of Subchapter IV of Chapter 7 of Title 31, United States Code.

*Charging Party* means any person filing a charge with the PAB Office of General Counsel for investigation.

*Clerk of the Board* means the Clerk of the Personnel Appeals Board.

*Comptroller General* means the Comptroller General of the United States.

*Days* means calendar days.

*Director of EEO Oversight* means the Personnel Appeals Board Director of EEO Oversight.

*Executive Director* means the Executive Director of the Personnel Appeals Board.

*GAO* means the General Accounting Office.

*General Counsel* means the General Counsel of the Board, as provided for under 31 U.S.C. 752.

*Initial Decision* means the adjudicatory statement of a case that is issued by an administrative judge who is a member of or appointed by the Board.

*Notice of Appeal* means a request filed with the full Board appealing from an initial decision.

*Person* means an employee, an applicant for employment, a former employee, a labor organization or the GAO.

*Petition* means any request filed with the Board for action to be taken on matters within the jurisdiction of the Board, under the provisions of Subchapter IV of Chapter 7 of Title 31, United States Code.

*Petitioner* means any person filing a petition for Board consideration.

*Pleading* means a document that initiates a cause of action before the