



May 23, 2025

The Honorable Charles Ezell
Acting Director
Office of Personnel Management
1900 E Street, NW
Washington, DC 20415

Re: RIN 3206-AO80
Docket ID: OPM-2025-0004
5 CFR Parts 210, 212, 213, 302, 432, 451, and 752
Proposed Rule: Improving Performance, Accountability and Responsiveness in the Civil Service

Dear Acting Director Ezell:

On behalf of the managers and supervisors currently serving our nation in the federal government, and whose interests are represented by the Federal Managers Association (FMA), I am forwarding our response to the Office of Personnel Management (OPM) regulations proposed in the Federal Register 2025-06904 (90 FR 17182) April 23, 2025, affecting 5 CFR parts 210, 212, 213, 302, 432, 451, and 752 (RIN 3206-AO80). Below, please see comments from the Federal Managers Association.

FMA strongly supports efforts to strengthen management in the federal workforce, including the stated goals of the rule: improving performance, accountability and responsiveness in the civil service. Pursuant to those goals, FMA broadly supported many principles in President Trump's first term, specifically Executive Order 13839, titled "[Promoting Accountability and Streamlining Removal Procedures Consistent with Merit System Principles](#)." Specifically, we supported:

- Minimizing the burden on supervisors when addressing poor performers;
- The penalty for an instance of misconduct should be tailored to the facts and circumstances and not require progressive discipline;
- Disciplinary action should be calibrated to the specific facts and circumstances of each individual employee's situation; and,
- When taking disciplinary action, agencies should have discretion to take into account an employee's disciplinary record and past work record, including all past misconduct.

Regrettably, FMA stands broadly opposed to the current proposed rule creating Schedule Policy/Career and urges OPM to withdraw this effort. It proposes to turn at least 50,000 feds into at-will employees with limited due process protections.

As noted in the proposed rule, more than fifty years ago the Supreme Court held that a federal employee has a constitutional due process interest in continued federal employment, and Congress legislatively crafted the Civil Service Reform Act of 1978.

Both Congress and the administration should endeavor to maintain America's non-political civil service. The unacceptable elimination of due process for affected federal employees leaves feds solely at the whim of politicians – intolerable under any administration, Democratic or Republican. A hallmark of America's civil service is the foundational, fundamental understanding that federal employees swear an oath to the Constitution and provide services to all Americans, regardless of political party. The federal government cannot function effectively without this nonpolitical civil service capable of preserving institutional memory and competence across administrations.

Civil service protections do not exist for the sake of the civil servants themselves – they are to ensure the government delivers services insulated from undue political influence. They ensure continuity of government through changing administrations, preserving institutional knowledge and expertise within the government. And they safeguard the rule of law, protecting employees choosing adherence to the Constitution rather than political party.

Schedule Policy/Career is a solution in search of a problem. The rule cites a handful of news stories of federal employees resisting or undermining the policy agenda of the administration as a justification for the action. It is critical to note federal employees can – and should – be terminated for insubordination or failure to comply with a lawful order or policy. Misconduct, such as unauthorized use of government property, failure to safeguard classified or sensitive materials, providing false information, misuse of position, and ignoring or defying direct orders are prohibited.

A December 2016 report from the Merit Systems Protection Board (MSPB) titled [*Addressing Misconduct in the Federal Civil Service: Management Perspectives*](#), found that “supervisors want the process of taking adverse actions to be easier while keeping employee protections.” The report states, “supervisors overwhelmingly want a merit-based system where employees are protected from managers who either make mistakes or act in bad faith.”

Further, data from this report shows that “when an agency official proposes a removal for misconduct, 70 percent of the time, the outcome is that the employee departs.” While many of these departures are listed as “removal,” other outcomes are identified as resignations, retirements, or an employee finding another job. The bottom line is simply looking at the number of employees who are removed “cannot tell the whole story of what happens to employees with conduct issues.”

It can be difficult for any administration to fill existing political leadership vacancies in a transition and throughout a President's tenure. Despite the proposed rules' optimistic tone, we at FMA remain concerned about the logistics of filling thousands of vacancies, the burden on remaining federal employees, and increased performance inefficiency and service delivery issues if this rule is implemented.

FMA is also deeply concerned about recruitment and retention to the federal workforce, which is already lagging, and the likely deterioration of the services Americans rely on if this rule is implemented.

The proposed rule states:

“It is true that adverse action procedures and appeals give federal employees greater job security than exist in most other jobs. To the extent that workers value this job security, Schedule Policy/Career's removal of adverse action procedures would reduce the relative value of the total federal compensation package. However, OPM no longer believes that this change will significantly impair federal recruitment or hiring.”

The rule then proceeds to outline the “more generous” benefits package federal employees enjoy. However, we note Congress is currently actively considering multiple legislative proposals as part of the budget reconciliation package, including significant increases to pension contributions for all federal employees – a large tax and pay cut on every federal worker – elimination of the FERS annuity supplement, and a change to the calculation for FERS annuities that would reduce their value.

The proposed rule explicitly says it would reduce the value of the total federal compensation package, while Congress simultaneously works to reduce federal employee retirement benefits. Meanwhile, federal pay has not kept pace with inflation and the Federal Salary Council reported in November 2024 that federal workers earn nearly 25 percent less than their private sector counterparts. Reducing job security and benefits, combined with a freeze in pay that will further widen the gap between the private sector and the civil service, is a recipe for disaster for the American taxpayers.

For these reasons, FMA opposes the proposed rule regarding Schedule Policy/Career. Thank you for the opportunity to comment.

Sincerely,



Craig Carter
National President