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June 6, 2025

Mr. Charles Ezell
Office of Personnel Management
1900 E Street NW
Washington, D.C 20415-1000

Re: Docket ID: OPM-2025-0004 | RIN 3206-AO80, “Improving Performance Accountability and Responsiveness in the Civil Service,” Proposed Rule, 90 Fed. Reg. 17182

Dear Acting Director Ezell:

The Partnership for Public Service submits these comments on the rule proposed by the Office of Personnel Management (OPM) entitled “Improving Performance Accountability and Responsiveness in the Civil Service,” Docket ID: OPM-2025-0004; RIN 3206-AO80, published in the Federal Register on April 23, 2025. The Partnership writes in strong opposition to the proposed rule. The proposed rule would radically politicize the federal workforce, return America to the corrupt spoils system of the 1800s, further undermine the public’s already low trust in government and result in worse, not better government.

If the goal of this administration is to create a more accountable and responsive civil service while addressing performance management, there are more effective and strategic ways to achieve this. Schedule Policy/Career is both misguided and counterproductive to this goal.

The Partnership for Public Service is a nonprofit, nonpartisan organization committed to building a better government and a stronger democracy. The Partnership was founded on the premise that any organization’s best asset is its people and that the federal government needs dedicated, skilled and accountable talent to most effectively serve the American public.

Over our nearly 24-year history, which spans four different presidential administrations, the Partnership has put forth bold proposals to modernize federal personnel management to strengthen and increase accountability of the civil service.¹ The antiquated framework the government uses to manage personnel is broken, under-resourced and needs comprehensive systemic reform to better equip the federal government to recruit, hire,

¹ For a summary of our proposed solutions, see the [Policy](#) section of the Partnership for Public Service’s website.



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develop and retain top talent, while also dealing with – and firing when appropriate – poor performers.

The proposed Schedule Policy/Career, though, is a sledgehammer to the federal workforce, instead of the more complex effort of modernizing the talent management lifecycle.

Stripping federal employees of due process protections and enabling the politicization of the workforce will further break the system and result in worse outcomes for the American people.

Schedule Policy/Career would deepen damage already caused to communities across the country

Even without a Schedule Policy/Career, the administration has, over the last four months, created chaos for the execution of agency missions and delivery of essential services by abruptly and indiscriminately firing federal workers, without any regard to the performance of the individual employees. Since January 20, 2025, an estimated 121,000 federal employees have been laid off or targeted for layoffs, and an additional 76,000 have left government by accepting buyout offers.²

The impact on individuals and communities has been swift and far-reaching, such as the cutting of the Centers for Disease Control and Prevention team helping communities in North Carolina struck by Hurricane Helene keep their food and water safe, the laying off of Health and Human Services staff responding to bird flu and attempting to prevent further outbreaks, and the gutting of National Park Service staff that is causing long lines for visitors and a reduction of maintenance at the parks.

Other staff cuts might not be so visible now but raise an immediate risk of harm if there is an unexpected crisis, like the firings of cyber experts at the Department of Homeland Security, analysts at Federal Deposit Insurance Corporation who help predict financial crises, and National Weather Service forecasters who keep us apprised of dangerous weather. Other impacts may take years for effects to play out – for example, cuts to National Institutes of Health grants that will disrupt the U.S. biotech industry and the development of new treatments and medical devices, the Occupational Safety and Health

² CNN, [“Analyzing the scale of Trump’s federal layoffs in his first 100 days,”](#) updated April 29, 2025 and The New York Times, [“The Federal Work Force Cuts So Far, Agency by Agency,”](#) updated May 12, 2025.



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Administration's research on black lung in coal miners and smoke-related cancer of firefighters, and programs at the Department of Transportation related to highway safety.³

The administration's personnel actions also are undermining upgrades to critical systems. For example, the Federal Aviation Administration political leadership has announced plans to accelerate modernization of the air traffic control system, while at the same time driving out perhaps more than 2,700 career officials, including many of the agency's most senior leaders, under the administration's deferred resignation program. FAA also fired its 400 probationary employees, the new generation of talent for an agency that has struggled to hire for years.⁴

And at several agencies, the confusion has been compounded by agencies scrambling to rehire after alarm expressed by national security, health, safety, and other experts – as well as because of outcry from the public and Congress. Examples include the frantic recall of staff of the National Nuclear Security Administration, where the administration arbitrarily laid off seventeen percent of its staff before learning they are critical to our national nuclear stockpile. The Centers for Disease Control has recalled over 300 employees of the National Institute for Occupational Safety and Health, which oversees workforce safety, although this is only about a third of those who had been fired, and the agency has announced it will remove one employee for each brought back.⁵

The haphazard hollowing of the civil service – being carried out without any strategic human capital strategies – has a profound impact on tens of thousands employees being forced out who have served our country honorably. The greater societal damage, though, is to the American people. Each agency is losing expertise, without any clear plans for how the government will fulfill its responsibilities. Services ranging from Social Security to veterans' benefits are at risk, and from national security to health safety to oversight of financial markets, our government has been weakened at a time the world is becoming more complex.

³ For information on these and other stories of firings and funding freezes, see the Partnership's searchable database, "100 Harms in 100 Days," available at <https://ourpublicservice.org/100-harms-in-100-days/>.

⁴ Government Executive, "[The Trump administration is staffing up parts of FAA, it's also incentivizing thousands of departures and threatening layoffs](#)," May 15, 2005; and Washington Post, "[Trump accelerates upgrades of air traffic control systems amid FAA departures](#)," May 8, 2025.

⁵ NPR, "[Under pressure, HHS reinstates hundreds of health workers](#)," May 14, 2025; Government Executive, "[CDC to cut one employee for each it is recalling from layoffs](#)," May 14, 2025.



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The consequences of the demolition of the federal workforce, combined with widespread freezes on federal funding, will worsen service delivery, increase corruption, and make our government less accountable and transparent. That is what happened under the last spoils system, before Congress enacted the Pendleton Act of 1883, creating a merit-based civil service. As the proposed rule acknowledges, the patronage system of doling out federal jobs to political supporters in the 19th century, rather than hiring qualified individuals, prevented the government from reliably delivering services to the public, and by the 1880's, the president and the Congress concluded the spoils system outweighed its benefits.⁶ Similarly, in today's world, countries whose civil services have been politicized have seen an increase in corruption and an erosion of service.⁷

Schedule Policy/Career would only accelerate the pattern of politicization of the workforce already happening, which includes: the firing or sidelining of prosecutors and FBI agents who have worked on cases with which the current administration disagreed; the sidelining of senior career employees who have pushed back against policies they have thought illegal or ill-advised; the dismissal of Senate-confirmed appointees serving term appointments or otherwise considered nonpartisan and traditionally held over from administration to administration (e.g., Inspectors General and the Special Counsel); and the widespread firings of Democratic members of boards and commission with bipartisan membership.

Another example is OPM's February 2025 memo providing guidance on a new performance appraisal system for the Senior Executive Service, which outlines the critical elements and performance requirements used to evaluate career executives. Those include, "whether they faithfully administered the law and advanced the President's policy priorities; promoted government efficiency; demonstrated merit and competence; held others accountable and treated them fairly; and achieved organizational goals."⁸ These requirements are at odds with each other when senior executives receive politically motivated illegal orders or highly inefficient tasks meant to advance the President's policy

⁶ Proposed Rule, "Improving Performance, Accountability and Responsiveness in the Civil Service," 90 Fed. Reg. 17182, 17184, Apr. 23, 2025 (hereinafter "Proposed Rule").

⁷ See, e.g., Paul Hockenjos, "[Hungary's Descent into Dictatorship](#)," Foreign Policy, Dec. 6, 2024. By contrast, the Organization for Economic Cooperation and Development's [Policy Framework on Sound Public Governance](#), Dec. 22, 2020, emphasizes the important of merit principles in public service, and the World Bank's [Worldwide Governance Indicators](#), as part of its aggregate indicator on government effectiveness, captures data on the quality of civil service and the degree of its independence from political pressures.

⁸ Office of Personnel Management, "[New Senior Executive Service Performance Appraisal System and Performance Plan](#)," Feb. 25, 2025.



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agenda. The new appraisal system could be used to mask politically motivated negative performance evaluations with later removal from the SES.

The proposed rule for Schedule Policy/Career would remove due process for employees moved into the new schedule, meaning that these employees lose any appeal rights to challenge a firing or other adverse action taken against them. Turning these employees into at-will employees opens the door to firings based on political preferences, sending our country and the federal workforce back to the days predating the modern federal workforce.

The number of federal employees who will be impacted by Schedule Policy/Career undoubtedly will be large. Senior-level career officials with the expertise needed to run their agencies are at risk of being placed in Schedule Policy/Career, but also lower-level employees with direct experience delivering services and executing the operational functions of agencies that enable the delivery of policy promises.

The proposed rule itself estimates that 50,000 employees could be moved into the new schedule,⁹ but facts point to a much larger number. In 2020, the Office of Management and Budget proposed moving 68 percent of its workforce into Schedule F, Schedule Policy/Career's predecessor proposed by President Trump in his first administration and revoked by President Biden.¹⁰ And just recently, the news media reported on a plan by the Acting Commissioner of Social Security to move wide swaths of SSA employees into Schedule Policy/Career.¹¹ Moreover, the recent widespread firings of federal employees (legal or not) suggest that Schedule Policy/Career would be used for even more aggressive firings.

The guardrails of Schedule Policy/Career are very flimsy. OPM states that the rule “protects disagreement and dissent” and Schedule Policy/Career employees are expected to provide “frank and fearless advice”.¹² The text of the regulation, though, ultimately leaves no protection for this type of advice. Moreover, the proposed rule leaves open other paths for politicization to creep into Schedule Policy/Career. Notably, the proposed rule should be amended to specifically prohibit the movement of Schedule C positions into Schedule

⁹ Proposed Rule, 90 Fed. Reg. 17220.

¹⁰ Government Accountability Office, “[Civil Service: Agency Responses and Perspectives on Former Executive Order to Create a New Schedule F Category of Federal Positions](#),” Sept. 2022, GAO-22-105504.

¹¹ Government Executive, “[Dudek calls for entire SSA offices to be converted to new Schedule E](#),” April 22, 2025.

¹² Proposed Rule, 90 Fed. Reg. 17209.

Policy/Career. OPM should also ensure that if a Schedule C employee applies for an open Policy/Career position, the employee must go through OPM’s “anti-burrowing” review to ensure that the employee is qualified for the position and is not receiving favoritism for political reasons.

The current firings, along with the threat of political coercion under Schedule Policy/Career, also will have a devastating impact on the government’s ability to retain employees and attract new talent when it does start rehiring. Morale has tanked, and employees fear that even if they keep their jobs they may be fired by a political appointee at any time, on any whim. This is further highlighted by the new performance plans, particularly for Senior Executives, that place an emphasis on support for the President’s policies as the top performance criteria, rather than fairly and effectively providing services to the public and making efficient use of taxpayer dollars.¹³

Nonpartisan, career experts are the backbone of the federal workforce

A bedrock principle underlying all our recommendations is that a merit-based, nonpartisan civil service is in the best interest of our country and our democracy.

Our federal government has roughly 2 million civil servants, at least 80 percent of which live outside the D.C. region and are located across the country and around the world.

America’s civil servants support our troops and protect our national security, carry out our nation’s foreign policy, administer essential services such as Social Security and Medicare benefits, provide healthcare and other benefits to veterans, guard against disruptions to our financial systems, run our National Parks, assist small businesses and farmers, maintain the safety of our transportation systems, protect our food supply, find cures for diseases and bring criminals to justice.

Federal employees take an oath to support and defend the Constitution, and they honor this oath by being careful stewards of taxpayer dollars and committed to the public good. They bring their expertise and experience to bear on the implementation of a range of complex mission requirements. Therefore, it is crucial to ensure that the career workforce is comprised of nonpartisan experts who carry out their duties and agency missions – which are borne out of laws authorized by Congress, not just directed by each administration – regardless of who occupies the Oval Office.

¹³ *Supra*, n. 8.



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Civil servants are often called upon to offer impartial and objective advice, report illegal activity or misconduct, raise alarms about major problems, and propose uncomfortable solutions to complex problems. This sometimes means they must push back against political policy proposals, not to undermine them or because of partisan preference, but because they can provide context, insights and awareness of other factors that impact those proposals. This is something every leader of an organization should cultivate: experts and skilled employees who can help leaders navigate around pitfalls and think about best ways of implementation. Allowing political leaders to fire employees at will, as Schedule Policy/Career would allow, would put a chill on career employees being able to speak truth to power, as they would work under constant threat of firings due to political or other disagreements.

The public views a nonpartisan civil service as critical to governance

A strong democracy requires a government that is trusted and trustworthy. Over the past several years, the Partnership has conducted research to understand the public's views about the federal government and federal employees.¹⁴ What we have found is that the public overwhelmingly views a professional, nonpartisan civil service as crucial for a strong democracy. Fully 91% say that “competent civil servants” are important for a strong democracy, including 94% of Democrats, and 91% of Republicans and independents. Overall, 87% of the public say an apolitical civil service is critical to a strong democracy, with both Republicans and Democrats agreeing at almost the same rate. In fact, support for a merit-based civil service grew across most demographics from 2022 to 2024.

At the same time, the American people do not believe that further politicizing the civil service is a good way to improve our government's ability to deal with national problems. Fully 95% agree that civil servants should be hired and promoted based on merit rather than their political beliefs, and only 25% say presidents should be able to fire “any civil servants that they choose for any reason.” Nine in 10 people agree that civil servants should serve “the people” more than any individual president, and 86% agree that civil servants should serve the Constitution more than any individual president. Almost 90% say that the federal government is less effective when decisions are “driven by politics.”

¹⁴ Unless otherwise noted in this section, survey results are detailed in the Partnership's report, [“The State of Public Trust in Government 2024: Despite declining views of the federal government, the public overwhelmingly supports a merit-based, nonpartisan civil service,”](#) June 10, 2024.



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We recently also have found:¹⁵

- 54% of respondents to an online survey oppose “the changes made to the federal government by the Trump administration;”
- Over two-thirds of respondents are concerned that changes to the federal workforce could have a negative impact on Social Security benefits or health care; and
- 64% of respondents are worried about the loss of experience and knowledge that could occur if a lot of federal workers lose their jobs.

These findings are important indicators of how our nation can address what is a growing crisis of America’s trust in government. Only 23% of Americans trust the federal government,¹⁶ although people view the federal government more positively when asked about specific agencies and their missions and services, or non-elected government officials and their work in public service. And despite strong support for a merit-based, nonpartisan civil service, the public does not believe the current system meets this vision. Two-thirds of the country believe there “are many civil servants who work to undermine policies they disagree with,” and only 23% say that civil servants are “nonpartisan.” Less than half – 45% – say that “most civil servants can be trusted to serve leaders of both political parties.”

These nuanced findings – low trust in government and a strong belief in the value of a professional nonpartisan civil service – suggest that Americans want a government that serves the public good but do not believe they have that type of government today. The American people do not view politization of the federal workforce as beneficial to effective government. The better course of action – one far more in line with public opinion – would be to build a well-functioning government that more effectively serves the people.

The U.S. government has too many political appointees; we need less not more, and political appointees should have performance plans

Career federal employees remain in their roles regardless of which political party occupies the White House, and they serve as the bridge to preserve continuity of government operations during a presidential transition.

¹⁵ The Partnership for Public Service recently completed an online survey of 1,000 Americans from March 13-16, 2025 from a panel maintained by Prodege. While it is not a random, nationally representative sample, the Partnership used quota sampling techniques to resemble the demographic makeup of the U.S.

¹⁶ 63% do not trust the federal government, and another 13% are neutral.



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Creating a system of employment without significant guardrails to prevent politically motivated firing for tens of thousands (perhaps more) would in effect drastically increase the number of politically appointed individuals across the government and would strain continuity of government across administrations.

The number of political appointees is already unwieldy. Each president has around 4,000 political appointments to make, over 1,300 of which are currently subject to the advice and consent of the Senate – a number far higher of political appointees than in other modern countries.¹⁷ Filling these positions is a daunting task for any president, and the Partnership, through our Center for Presidential Transition, has produced a series of reports detailing vacancies and raising concerns about the effects that these vacancies have on agency performance and national security.¹⁸

Typically, political appointees only serve an average of two to three years in a four-year administration.¹⁹ This causes constant churn at agencies, which – combined with an increasingly slow Senate confirmations process – create vacancies which slow decision-making, long-term strategic planning and modernization efforts. A sense of impermanent leadership also can undermine employee morale. This harms the performance of agencies and impacts services from veterans' care to support for America's farmers.

To the extent it can under its own authority, OPM should reduce the number of political appointees, including by capping the number of Schedule C appointments, along the lines of the agency-wide and government-wide caps for the SES in statute. At the same time, given growing difficulties with the Senate confirmation process, and while out of scope of the subject of this notice, we note that the Partnership for many years has recommended that Congress reduce the number of Senate positions subject to confirmation. Some could be converted to presidential appointments not requiring confirmation, some could be eliminated if obsolete, and some handling highly technical issues needing long term institutional knowledge could be converted to career positions.

¹⁷ See, e.g., Makita, J., "[A study of the functions of political appointees from a comparative perspective](#)," Asian Journal of Comparative Politics, Volume 7, Issue 1, first published online Sept. 15, 2021.

¹⁸ Center for Presidential Transition products on this topic include: "[Taking stock of the vacancy crisis across cabinet departments](#)," April 25, 2024; "[Persistently Vacant: Critical leadership positions for unfilled for years](#)," July 9, 2024; and "[Unconfirmed: Why reducing the number of senate-confirmed positions can make government more effective](#)," Aug. 9, 2021.

¹⁹ See, e.g., Dull, M., Roberts, P.S., Keeney, M.S. and Choi, S.O., 2012, "[Appointee Confirmation and Tenure: The Succession of U.S. Federal Agency Appointees, 1989–2009](#)," Public Admin Rev, 72: 902-913, Oct. 12, 2012.



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Performance management is also difficult to do well without proper accountability for the political appointees who oversee and assess the work of senior executives. Just as senior career executives need to be held to performance management standards to effectively manage career employees, political leaders who oversee senior executives must be held equally accountable. No private sector performance system would work if it only applied to junior employees in an organization. Political appointees often lack the training and experience to effectively manage senior executive performance, and there is currently no accountability mechanism in place for these individuals. To establish this sense of accountability and alignment with an agency's mission, Congress should require that all political appointees have performance plans that conform to OPM and agency standards and which align to agency performance goals developed as part of the Government Performance and Results Modernization Act of 2010.²⁰

This would create accountability at the top of agencies that would then cascade to the full workforce. Performance plans should address the responsibility of leaders for: managing well; supporting efforts to recruit, hire and retain highly qualified talent; training and developing future leaders; engaging employees; holding subordinate managers accountable for addressing employee performance issues; and setting strategies for effective use of technologies and a focus on customer experience. Each of these criteria plays a role in building a high performing workforce and will drive leadership attention to pressing workforce and management issues.

Also, many political appointees are new to government and lack detailed knowledge of government-wide and agency-specific laws, rules and practices that would allow them to hit the ground running at the beginning of their tenure. The administration should require agencies to provide consistent, in-person or virtual onboarding to new political appointees that covers topics such as agency mission and structure, key management processes, ethics guidance, and congressional, White House and career-political relations.

Focus on fixing root causes, preserving merit principles

Proposals to fire federal employees en masse will damage, not fix, a civil service framework that is badly in need of modernization. It would create chaos, and, as discussed above,

²⁰ P.L. 111-352, Jan. 4, 2011.

result in worse outcomes for the American people. It would also deepen the decline of trust in the federal government.

Federal employees do remarkable work. At the same time, the Partnership has stressed over our history that federal employees do great things *in spite of* the complex system of laws and rules governing management of federal personnel and operations, *not because of* the system. The Partnership has consistently highlighted how the system is broken and in need of significant modernization. The Civil Service Act of 1978 was the last time Congress addressed comprehensively how we recruit, hire, retain and manage employees. How the government pays and classifies federal employees dates back to law passed in 1949. Our civil service framework is not even designed for the advent of the computer age, much less for the fast-changing, increasingly digital workforce environment of 2025.

The bedrock of our civil service, though – the nonpartisan merit principles – is not what is broken, and any modernization efforts should be based on those principles, which are enshrined in law.²¹ We must retain the longstanding fundamental core values of personnel actions being based on merit, nondiscrimination, fair and equitable treatment, and due process. These principles foster political neutrality, open doors for all Americans to serve our country, and provide for stability in the federal workforce across administrations.

When a company's services or products do not work well or an employee does something wrong in the workplace, people generally expect the problem to be dealt with quickly. These same expectations hold true for our federal government – and the bar is even higher because the public has a vested interest in ensuring its tax dollars are put to good use. It is imperative that federal employees are held accountable and that necessary actions are taken.

There is a long-standing narrative that the government is filled with problem employees who are never fired. While this narrative is far too simple to encompass the range of complexities that any organization, let alone federal agencies, must confront when dealing with its people, it does hold a kernel of truth – the current system to hold employees accountable for poor performance, and encourage stronger performance, is challenging for leaders, managers and employees alike. However, the administration's suggestions for reforming the current system risk politicizing career employees and fail to address key elements that produce strong leadership in any organization.

²¹ 5 U.S.C. § 2301.

Performance management is commonly thought of as the setting of annual performance goals, conversations throughout the year between an employee and their manager, and annual reviews where the employee receives both feedback and a numerical rating based on their achievement of performance goals.

When performance management is done well, most employees will be assessed as meeting expectations, with some above and some below that median. But to have a successful performance management process, an organization needs several elements in place across the employee life cycle:

- Managers who are selected based on their supervisory qualifications and then given training on performance management;
- Human resource offices that are staffed to provide support to supervisors and employees in setting performance goals and standards, measuring performance, delivering feedback, receiving feedback, having difficult conversations and dealing with performance issues;
- An enterprise-wide framework and mutual understanding of how to set good performance goals and standards that have been clearly articulated by agency leaders;
- A rating system that is fair, clear, and easy to use, as well as a streamlined system to help employees achieve better performance or move out of their roles; and
- A performance management system that applies to junior employees, senior executives, and political appointees alike.

Unfortunately, few of these elements are universally at play across the federal government.

One of the merit principles is that employees who cannot or will not improve their performance to meet standards should be separated. In fact, according to data collected by OPM, agencies formally discipline an estimated 10,000 employees annually for misconduct.²² Federal employees must also follow strict ethics and political interference laws, including potential criminal penalties for violations of conflicts of interest statutes.

Yet the current process for addressing poor performers in government is difficult for managers and confusing for workers, leading to a lack of accountability for government employees who do not carry out their roles and responsibilities effectively. The vast majority of federal employees are doing their jobs well, but a small number who don't make

²² Proposed Rule, 90 Fed. Reg. 17190.

it challenging for everyone else to achieve mission success. More than 40% of respondents to the 2024 Federal Employee Viewpoint Survey reported that poor performers usually remain in their work unit and continue to underperform.²³ It is important to ensure that federal employees cannot be fired for politically motivated or unjust reasons, but there are ways to update and simplify the current system that would make it easier to manage performance issues.

Despite the range of work locations, job responsibilities and skillsets among federal employees, we have a one size fits all system of incredibly outdated laws that still govern this modern workforce. Policy proposals like Schedule Policy/Career or the other bills and ideas that have been floated over the past decade to make all or portions of the workforce at-will – able to easily be hired and fired for personal or political reasons regardless of performance or a business case – won't meet the goal of ensuring that agencies carry out the work that Congress authorizes and appropriates. These proposals, rather, are destructive changes that do not address the real issues in need of reform. Updating archaic processes, policies, and systems is fundamental to agency and individual performance.

Removing due process for Schedule Policy/Career employees is ill-advised. Independent review of removal decisions from outside the agency helps hold leadership accountable for overseeing their workforce effectively and for avoiding prohibited personnel practices. Survey data from the MSPB shows that, throughout the government, supervisors themselves overwhelmingly agree that employees deserve protection from managers who make mistakes or act in bad faith during removal proceedings. MSPB appeal rights provide such independent protections.²⁴ Moreover, MSPB review also provides deterrence against unmerited removal proceedings, as indicated by the fact that the agency removal decisions are upheld in the vast majority of cases.

Discussions regarding accountability in the Senior Executive Service over the years are relevant here. There are streamlined adverse action procedures for the SES in general, and SES may be subject to involuntary reassignment. For the Department of Veterans Affairs, Congress removed adverse action protections for the VA SES following a number of scandals at the department.²⁵ Yet in a separate rule issued by OPM recently on SES performance management, OPM continues to highlight performance management

²³ [OPM FEVS Dashboard](#), tab labeled "Core Performance Q16."

²⁴ Off. of Pol'y & Evaluation, Addressing Misconduct in the Federal Service: Management Perspectives, U.S. Merit Sys. Prot. Bd. 3, Dec. 2016.

²⁵ VA Accountability and Whistleblower Protection Act, P.L. 115-41, June 23, 2017.

challenges in the VA SES.²⁶ The Partnership believes that VA's fundamental management and operational challenges involve many factors (e.g., antiquated IT systems and disperse chains of command), but we note here that moving the VA SES to at-will status has not solved performance management challenges at the agency.

It's also useful to reframe our approach to accountability and performance management. If we get to the point of firing someone, then there have been multiple breakdowns in the process along the way. Policymakers should instead focus on the entirety of employee accountability – from fixing the hiring process to ensure we are hiring highly-qualified individuals, to developing employees and training managers, to modernizing the systems that allow employees to effectively work across the enterprise. These elements are crucial components for any high-performing organization and are all critical parts of accountability.

The struggle to get all these pieces right is not unique to the federal government – performance management is a challenging component of any organization. Even private sector companies haven't cracked the code on how to do it best. For example, comparably sized companies like Walmart, Home Depot, and FedEx have adapted their performance management systems many times over the years. However, the private sector clearly views these functions as worth investing in, evidenced by how these companies have established clear cultural values, employee development programs, and performance appraisal, enforcement and reward systems.

At its core, the federal government is a huge, complex organization staffed by professionals. They come to work to do important, mission-driven jobs and they need business systems in place to support them. The bar is high because they must be good stewards of taxpayer dollars and the public trust, serving all Americans who pay into the system. And ultimately, they must be held accountable for their performance in service of the public.

With respect to performance management and dealing with poor performers – the purported rationale for Schedule Policy/Career – the Partnership and other organizations have for over two decades have proposed:

- *Streamlining employee performance and accountability processes:* Employees with legitimate grievances against their agency, as well as managers who act in good

²⁶ Office of Personnel Management, Proposed Rule, "Assuring Responsive and Accountable Federal Executive Management," RIN 3206-AO81, 90 Fed. Reg. 18820, May 2, 2025.

faith to hold employees accountable, would benefit from a simplified appeals system. The multiple avenues of appeal are convoluted and time-consuming for employees and government alike.

- *Strengthening the probationary period:* Requiring supervisors to make an affirmative determination that an employee has the necessary skills to retain a permanent position in the agency would create an additional layer of accountability for agencies to weed out poor performers before they reach the end of their trial period. Recently, the President issued an executive order on this very issue.²⁷ However, it is unclear how the new executive order will be implemented, particularly since the EO calls for agency heads, rather than supervisors, to make the determinations about an employee's status, raising the risk of politicization of decisions on whether to retain a probationary employee. Like any company, hiring and employment decisions should be done with full supervisor involvement to ensure the best outcomes for agencies.
- *Expanding supervisor and management training:* Supervisor development, training and leadership are critical to holding employees accountable. The proposed rule for Schedule Policy/Career asserts that attempts to solve performance management through supervisor and management training have failed.²⁸ The reality, though, is that the training tends to be one-time (often on-line) introductory training for managers and supervisors, without the longer-term, on-going, experiential learning that would train managers and supervisors how to manage employees and deal with poor performers.

In considering reforms to performance management, it will be crucial to balance the ability to swiftly remove poor performers and to maintain a workforce free from partisan influence. Simply making employees at-will does not solve the performance problem.

Performance accountability starts with hiring and ensuring agencies hire for the skills they need. After an employee is onboarded, performance management involves setting performance goals, employee development, regular conversations between supervisor and employee throughout the year on performance, and annual performance reviews.

²⁷ Executive Order 14284, "[Strengthening Probationary Periods in the Federal Service](#)," April 24, 2025.

²⁸ Proposed Rule, 90 Fed. Reg 17218.

And if it comes to an employee performing inadequately, then they need to be removed. This often does not happen for a variety of reasons, each of which needs to be addressed before an employee even gets to the appeals process.

Much more, though, needs to be done to modernize the civil service. Other of our recommendations include:

- *Prioritizing leadership development:* The civilian sector of the federal government should take a lesson from our military and intentionally work to develop leaders – both career and political. Leadership in government centers on stewardship of public trust and commitment to the public good. Leaders need to understand they are responsible for the organizational health of their organizations, including agency personnel.
- *Making the federal hiring process more effective and moving to skills-based hiring:* The federal hiring process is convoluted and slow, and as a result the government loses good candidates to the private sector. Also, the hiring process for too long has relied on self-assessments by candidates and insistence on college degrees even when they are not necessary. We need to move to skills-based hiring, including by implementing the bipartisan Chance to Compete Act passed by Congress last year, which is built on initiatives started in the first administration of President Trump.²⁹
- *Improving service delivery through customer service and technology:* Agency leaders should provide first-rate customer experience to the people they serve. To do this, they need to provide federal employees with the modern tools they need, including data analytic capabilities, updated legacy IT systems, and emerging technologies, including AI.

Conclusion

Schedule Policy/Career would take the system backwards rather than reimagining and building the system we need today. No private sector company would go back to antiquated ways of managing personnel – instead, they would modernize. This new rule is the exact opposite.

²⁹ Chance to Compete Act of 2024, P.L. 118-188, Dec. 23, 2024.



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OPM should not move forward with the proposed changes to create Schedule P/C and instead should retain the regulatory changes adopted in April 2024³⁰ while exploring other policy solutions to holding federal employees accountable.

Thank you again for the opportunity to submit these comments.

Sincerely,

Max Stier
President & CEO
Partnership for Public Service

³⁰ 89 Fed. Reg. 24982, April 9, 2024.