

I strongly oppose the implementation or revival of the “Schedule F” classification for federal employees. This proposal threatens the merit-based civil service system that has underpinned a professional, nonpartisan federal workforce for over a century.

First and foremost, the creation of Schedule F directly undermines the Pendleton Civil Service Reform Act of 1883, which was enacted to combat the spoils system and establish a merit-based hiring process for federal employees. By allowing a broad swath of career civil servants—particularly those involved in policy-making or analysis—to be reclassified and potentially terminated without cause opens the door to politically motivated hiring and firing. This is antithetical to the principle of an apolitical civil service enshrined in 5 U.S.C. § 2301(b)(8), which mandates that federal employment decisions be based on merit and free from political influence.

Moreover, the vague and sweeping criteria for inclusion in Schedule F violate the due process protections guaranteed by 5 U.S.C. § 7513, which requires cause and procedural safeguards for the removal of career federal employees. Stripping thousands of workers of these protections not only weakens accountability but also risks forfeiting expert advice and dissent within agencies—undermining the very effectiveness of government operations.

The Office of Personnel Management (OPM) is also bound by 5 U.S.C. § 1101 et seq. to support the merit system principles. Implementing Schedule F contradicts this statutory mission and places undue political pressure on career professionals, compromising the integrity and continuity of federal programs across administrations.

The Schedule F proposal poses a grave threat to the foundational principles of good governance, civil service independence, and the rule of law. I urge the administration and OPM to reject any regulatory framework that seeks to implement or revive this dangerous classification.

I also have the following questions regarding Schedule F:

1. What is meant by “management officials”? What or who all does this include? Does this mean GS-14 and above? GS-13 and above? Only SES?
2. What is meant by the following as it is written in such a way that it is unclear and confusing: "The proposed regulations further clarify that employees filling excepted service positions are in the excepted service, regardless of whether they retain competitive status, and lists increasing accountability to the President as grounds for excepting positions from the competitive service." Who or what positions does this refer to?
3. What safeguards are in place so that due process is not affected if such positions as investigators and officers are now "at will" employment?
4. What is meant by "technically" in the following statement: "Assuming arguendo that the policy-influencing terms should be construed as a term of art for political appointees, that would simply mean that all positions the President determines are policy-influencing are technically political positions." Does this mean that these positions are already political positions or that they are only sometimes political positions? What percentage of positions in this scenario are expected to be changed to a "political position" designation? Is there a cap? If the designation for these positions can be changed by the President can they then be reverted or once changed it cannot be undone?

5. The wide swath that Schedule F is proposing to cover seemingly includes all positions at the GS-13 level and above. Positions at this level include such titles as physicians, psychologists, financial analysts, firefighters, pilots, and dentists just to name a few positions. What justification is there for designating positions like these as Schedule F? What benefit is there for changing their designation? In what way would changing the designation for, say a pilot, improve the efficiency of a pilot? A firefighter? A physician? So on and so forth.

6. What is the list of all positions that Schedule F would affect? Will agencies see some positions, even if they are the same position, be designated as political positions and others will not? What is the criteria for deciding this?

7. What is meant by the following as it is unclear: "In its place OPM proposes a new paragraph (b) that provides that an employee who has competitive status at the time their position is first listed in an excepted service schedule, or who is involuntarily transferred to a position in the excepted service, is not in the competitive service for any purpose but shall retain competitive status for as long as they continue to occupy such position." Please provide examples that clearly demonstrate what is trying to be achieved by this.

8. The proposal states, "Upon further review, and in consideration of the policies set out in Executive Order 14171, OPM has concluded that these fears were misplaced. This order rejects the spoils system and seeks to return to the efficient, merit-based system enacted by the Pendleton Act." How is a position now merit-based if it is being designated a political position and therefore then can be influenced by the President?

9. The proposal states, "As OPM and commentators previously noted, hiring less qualified personnel reduces Federal administrative capacity and efficiency. Replacing experienced career employees who are faithfully implementing Presidential directives with inexperienced political appointees would make it significantly more difficult for him to carry out his agenda." The current hiring process is rigorous and attuned to each agency's needs. What new criteria would then be implemented that assures qualified individuals are being placed and retained in these positions?

10. The proposal states, "OPM also notes that the President and his appointees have additional incentives to maintain a career workforce that contains a diversity of views and opinions." However, the proposal also advises that the goal of Schedule F is to place individuals who align with the President's policies in these career workforce positions. How then can the workforce be both diverse in views and opinions but also align with the Presidents policies? Wouldn't this create an echo chamber of views and opinions and therefore no longer be diverse?