

Dear Director Ahuja:

I write to express strong opposition to the proposed rule establishing “Schedule Policy/Career” within the excepted service. In addition to the well-documented violations of the Administrative Procedure Act and constitutional concerns, this proposal raises a range of operational, policy, and workforce integrity issues that have not been adequately addressed in the rulemaking record.

1. Vague Definition of “Policy-Influencing”

The proposed rule does not clearly define what constitutes a “policy-influencing” position. This lack of precision invites inconsistent application across agencies, encourages subjective and potentially political decision-making, and could result in the misclassification of technical, analytical, or support roles that do not meaningfully shape policy. Without a clear standard, the rule cannot be fairly or predictably implemented.

2. Absence of Safeguards Against Political Abuse

By removing Title 5 protections from select career employees and allowing reclassification at the discretion of political leadership, the rule creates a pathway to politicize the career workforce. This undermines the long-standing separation between political and career service and contravenes the principles enshrined in the Pendleton Act and Civil Service Reform Act. The lack of internal or external checks creates a serious risk of retaliatory or ideologically motivated removals.

3. Erosion of Whistleblower Protections

Although the rule asserts that whistleblower protections remain intact, the elimination of due process rights—such as notice, reply, and appeal—will in practice deter employees from reporting misconduct. If employees fear that exposing wrongdoing could lead to at-will termination without recourse, the effectiveness of whistleblower laws will be severely diminished. The rule thus has a chilling effect on internal accountability and ethical governance.

4. Unfunded and Unanalyzed Implementation Burden

The proposal will require extensive new classification work, interagency coordination, and White House involvement in personnel decisions. OPM has not estimated the staffing, cost, or training burden associated with these changes, nor has it addressed the challenges smaller agencies will face in meeting these new demands. This implementation burden has been ignored in the cost-benefit analysis, distorting the rule's practical feasibility.

5. No Transition Plan for Affected Employees

The rule does not explain how or when affected employees will be reclassified, whether current incumbents will retain existing rights, or how disputes over classification will be handled. This lack of a transition plan creates significant legal uncertainty and workforce disruption, particularly for long-serving employees whose job security could change overnight.

6. Conflicts with Collective Bargaining Agreements

Reclassifying unionized employees without negotiation violates the principles of Chapter 71 of Title 5, governing labor-management relations. The rule does not discuss how it will reconcile this major reorganization with existing collective bargaining agreements (CBAs), raising the likelihood of grievances, arbitration, and litigation.

7. Damage to Recruitment, Retention, and Diversity Efforts

This rule signals that career federal employment is no longer stable or protected from political influence. That message will discourage talented professionals from joining the public sector, particularly those with options in academia, law, or private industry. It also undermines efforts to build a workforce that reflects the diversity of the nation by making public service less appealing to historically underrepresented groups who often value job security and procedural fairness.

8. Potential International Consequences

In regulatory and scientific agencies, U.S. civil servants routinely engage with foreign counterparts to implement treaties, harmonize safety standards, and uphold international obligations. Politicizing technical and policy liaison roles risks weakening international confidence in the neutrality and professionalism of the U.S. civil service. This could have ripple effects in areas like trade, food safety, public health, and environmental protection.

Conclusion

The proposed rule is more than a classification adjustment—it is a fundamental reordering of the relationship between career employees and political leadership. It creates operational chaos, legal uncertainty, and lasting damage to the credibility of the civil service. I urge OPM to withdraw this rule and instead work with agencies, Congress, and the public to pursue targeted, data-driven reforms that uphold accountability while preserving the integrity of the federal workforce.