

To Whom It May Concern:

I am writing to express my strong opposition to the proposed rule titled “*Improving Performance, Accountability, and Responsiveness in the Civil Service*.” While I appreciate the stated goals of promoting government effectiveness and responsiveness, I believe this proposal would significantly undermine the integrity, neutrality, and long-term functionality of the federal civil service. I urge the Office of Personnel Management to reconsider and withdraw this rule for the following reasons:

1. Erosion of Merit Principles: The proposed reclassification of certain positions risks circumventing the merit-based hiring and retention systems that are foundational to the U.S. civil service. This would open the door to favoritism, reduce fairness in personnel decisions, and weaken the institutional safeguards that ensure competence and equity. The proposed rule’s attempt to explain this component away can essentially be boiled down to “we do not think it will happen;” this is a wholly inadequate assurance, especially when considered alongside multiple documented instances of this administration dismissing career civil servants for political reasons.
2. Politicization of Career Roles: The rule will blur the essential line between nonpartisan career service and political appointees by making it easier to appoint or remove individuals in policy-related positions for ideological alignment rather than objective qualifications. While the proposed rule asserts that this administration welcomes opposing viewpoints, its action do not comport with this statement. For example, the Department of Health and Human Services (HHS) has dismissed numerous career professionals who disagreed with the Secretary’s scientifically unfounded claims about vaccines and autism, and scientists at the EPA and NOAA have been removed for affirming the reality of human-induced climate change. These examples strongly suggest that career expertise is being sidelined in favor of ideological conformity.
3. Risk of Retaliatory Dismissals: Without robust due process protections, civil servants could be dismissed not for poor performance or conduct issues, but for holding views or making lawful decisions that differ from those in power. This will chill expertise and professional judgment, ultimately to the detriment of the American public. Again, the proposed rule’s statement that this will not be abused is unconvincing, especially when considering that this administration has shown a demonstrated disregard to judicial orders and ethics rules, suggesting that the abuse of regulatory/administrative processes would continue to be a *modus operandi*.
4. Drain on Institutional Knowledge: A politicized turnover of seasoned professionals would deplete agencies of the deep expertise and continuity that allow the federal government to manage complex, long-term responsibilities. Many of the advances in science, medicine, and technology were made possible due to long-serving career civil servants working for the American public across multiple administrations and in spite of political differences. Allowing for the politicization of the federal civil service (which the proposed rule will undoubtedly do) will cause an exodus of employees every four years

after a change in administration. This is bad not just for the continuity of the Federal government, but the interests of the American public as well.

5. Due Process Concerns: The rule appears to bypass procedural safeguards that are essential for fair and lawful employment decisions, raising serious legal and constitutional questions about employee rights and redress. Moreover, the proposed rule conflicts with existing civil service statutes and judicial precedents, increasing the likelihood of litigation and regulatory uncertainty. For example:
 - a. Currently, a GS-level policy analyst cannot be removed simply for disagreeing with a political appointee. They must receive formal charges, evidence, and an opportunity to defend themselves before the action is final. *See* 5 U.S. § 7513(a-e). This would change under the proposed rule.
 - b. Under current law, a senior civil servant who refuses to manipulate data for political purposes is protected from retaliation. *See* 5 U.S. § 2302 (b)(1)(E). The proposed rule would place such roles into categories that do not carry these protections.
 - c. Under the Whistleblower Protection Act of 1989, Federal employees who disclose evidence of waste, fraud, abuse, or illegal activity would normally have a strong legal case if fired in retaliation. If their position is reclassified into a non-protected category, those protections would be severely weakened or nullified.
 - d. Additionally, it is clear that the current proposed rule has already been subverted by partisan politics, making the objective, neutral enforcement of the proposed rule deeply suspect. The current proposed rule makes frequent statements that the current rule (Executive Order 14003 issued by the Biden Administration) was poorly researched, failed to consider other more important components, and that the professionals at OPM now believe that rule issued in 2024 was incorrect. This reeks of partisanship.
6. Disruption to Operational Efficiency: High levels of turnover and a climate of political uncertainty will reduce, not improve, organizational performance and responsiveness. Stability and professionalism are the bedrocks of effective governance, and the removal of long-standing job protections would diminish employee confidence and reduce the sense of mission and stability that are crucial to effective public service.
7. Compromise Public Service Integrity: Civil servants pledge loyalty to the Constitution, not to any particular administration. This means that federal employees are obligated to work for the public interest, not the whims of whomever is in the Oval Office. Undermining this principle damages the legitimacy and impartiality of federal institutions. The proposed rule undermines this principle by encouraging compliance with partisan directives, even when those directives conflict with public welfare. For example:
 - a. HHS has recently terminated grants for cancer research, leaving patients more vulnerable.
 - b. The FDA has reportedly scaled back food safety inspections and stopped informing the public about E. coli outbreaks.

- c. The IRS has reduced access for low-income taxpayers to file for free while simultaneously easing scrutiny on wealthy tax evaders.
 - d. Efforts to dismantle the Consumer Financial Protection Bureau appear aimed at shielding large corporations from accountability for defrauding their customers.
8. Negative Impacts on Recruitment and Morale: The perception of politicized and precarious employment will deter top talent from seeking federal roles. The proposed rule states that this negative is mitigated by the benefit package available to Federal employees. However, while the benefit package may be slightly better than the private sector, the amount of take-home pay that career civil servants make compared to the private sector colleagues is drastically less. The idea that top talent will leave already higher-paying jobs for a civil service position that pays less and has the same at-will employment characteristics as the job they would be leaving is laughable. It also goes without saying that existing staff will feel demoralized and undervalued, further eroding government capacity.

For these reasons, I respectfully request that the Office of Personnel Management reconsider this rule in its entirety. The long-term health of the civil service, and the effectiveness of our government, depend on preserving its nonpartisan, merit-based nature. The blatant partisanship of the proposed rule demonstrates that it is less about increasing the effectiveness and efficiency of the federal workforce, and more about consolidating political control over federal agencies and employees.

Sincerely,

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