



PARTNERSHIP FOR PUBLIC SERVICE

Better government. Stronger democracy.

March 12, 2026

Mr. Scott Kupor
Director, Office of Personnel Management
The Office of Personnel Management
1900 E St. NW
Washington, D.C. 20415-1000

Re: RIN 3206-AO99, "Reduction in Force Appeals"

Dear Mr. Kupor:

The Partnership for Public Service submits these comments on the rule proposed by the Office of Personnel Management entitled "Reduction in Force Appeals," RIN 3206-AO99, published in the Federal Register on February 10, 2026.¹

The Partnership is a nonprofit, nonpartisan organization committed to building a better government and a stronger democracy. Core to our mission is the belief that a merit-based, nonpartisan civil service, who represents the diversity of the country, is central to our system of government. Since the Partnership's founding over two decades ago, we have advocated across administrations for changes to federal law, regulations, policies and programs that improve our government's ability to attract, hire and retain a talented and diverse workforce that effectively serves the public.

While the current reduction in force (RIF) appeals process has genuine inefficiencies that merit reform, this proposed rule fails to address the root problems it professes to solve. Transferring appeals authority from MSPB to OPM strips federal employees of meaningful due process protections and will create the conditions for politically driven removals.

Most importantly, this proposed regulation cannot be evaluated in a silo. It arrives alongside a broader pattern of executive actions that have weakened civil service protections that are in place to prevent the federal workforce from being used as a political tool. For these reasons, the Partnership opposes the adoption of this rule as written.

RIF Procedures, When Used Appropriately, Are a Legitimate and Important Workforce Management Tool

When agencies face real budget constraints, shifting missions or the need to reorganize their workforces to more efficiently deliver services, reductions in force can be a strategic

¹ 91 Fed. Reg. 5861



management tool for agency leaders. The Partnership has long recognized that, when used responsibly, this process can ensure agencies make difficult workforce reduction decisions based on strategic agency needs rather than arbitrary or politically motivated reasons.

However, the legitimacy of any reduction in force depends entirely on the integrity of the rules used to execute it. Because a single RIF decision can impact many employees across an agency and the programs they run, errors cause serious consequences that can cost both employees and the government. A political and independent review of RIF appeals actions is therefore not a procedural obstacle, but in fact what makes the process credible.

The Partnership recognizes that the current RIF appeals process has genuine inefficiencies, and we do not oppose efforts to make it faster or less burdensome for either agencies or employees. However, efficiency cannot be the only measure of success for a streamlined appeals process. Reforms must also protect merit principles and employee due process rights, not just reduce friction for agencies seeking to reduce their workforces quickly and with minimal scrutiny.

OPM Does Not Have the Capacity or Political Independence to Effectively Adjudicate RIF Appeals

The proposed rule would shift responsibility for adjudicating reduction in force appeals to OPM despite the agency's lack of institutional capacity and structural independence. Adjudicating appeals, particularly those alleging political discrimination or other prohibited personnel practices, is a quasi-judicial activity that requires neutrality, procedural rigor and insulation from political interference.

Under the Civil Service Reform Act of 1978, OPM was deliberately structured to be responsive to the president, while adjudicatory functions were assigned to the Merit Systems Protection Board as an independent, bipartisan body.² This institutional design was intentional since placing adjudicatory authority within an agency closely aligned with the White House would undermine impartial decision-making. Placing even limited reduction in force appeal procedures within OPM will create an inherent conflict of interest, particularly when OPM is simultaneously responsible for issuing workforce policy guidance and executing administration-wide personnel actions.

The proposed rule would also assign appeal adjudication to the Merit System Accountability and Compliance (MSAC) office, despite clear evidence that MSAC is resource constrained. Between 2017 and 2022, MSAC adjudicated only a few dozen evaluations annually.³ MSAC's adjudication work has historically been centered on federal employee classification appeals as

² <https://www.congress.gov/crs-product/R45630>

³ <https://www.oversight.gov/sites/default/files/documents/reports/2022-12/Final-Report-2021-OEI-001.pdf>

well as evaluating compensation and leave claims.⁴ Importantly, these rulings are regarding an agency's application of policy and procedure, they are not related to an individual's employment status with the federal government.

Most notably, the proposed process would concentrate extraordinary discretion in the hands of the OPM director, who would be the sole official authorized to reopen appeal determinations. This structure would introduce unnecessary administrative bottlenecks while further compounding politicization concerns.

Recent Actions by the Trump Administration Provide Critical Context for Evaluating Changes to the RIF Process

As mentioned above, this proposed rule cannot be evaluated in an information silo. In the regulation, OPM acknowledges that 2025 saw "the largest peacetime reduction in the size of the Federal workforce ever" and asserted that "only a very small percentage of departures resulted from RIFs."⁵ This context, however, raises the question of why OPM is trying to streamline a process that is so rarely utilized. The most plausible explanation, of course, is that this exercise is less about efficiency and more about reducing the scrutiny of large-scale workforce reductions moving forward.

If finalized, this rule would give any current or future administration significantly greater latitude to conduct future RIFs without appropriate opportunities for employee recourse. The proposed combination of OPM adjudication, limited hearing rights and the OPM director's sole authority to reopen decisions creates a process in which the outcome of an appeal may depend less on whether the agency followed procedure and more on whether the administration wants to defend its actions.

Finally, this rule and other actions by the administration could have significant, long-term consequences for the federal government's ability to attract and retain top talent. Because of the administration's repeated attacks on due process, qualified candidates may become reluctant to apply for and accept federal positions. Already, less than 8% of federal employees were under the age of 30, as compared to 20% of the overall U.S. labor force.⁶ High-performing employees will take note if the civil service no longer offers meaningful protection against arbitrary or politically motivated personnel actions, resulting in a workforce that is less skilled, less stable and less able to deliver for the American public.

The federal government's workforce challenges are real, but they will not be solved by making it easier to conduct large-scale layoffs without the appropriate scrutiny. Ultimately, this rule will not fix long-standing performance management challenges, streamline complex appeals

⁴ <https://www.opm.gov/compliance/adjudications/>

⁵ <https://www.federalregister.gov/documents/2026/02/10/2026-02576/reduction-in-force-appeals>

⁶ <https://ourpublicservice.org/publications/a-government-in-chaos-trumps-first-year-back-in-office/>



processes, or improve government efficiency. Instead, it will increase politicization in the federal workforce and remove an important, independent check that talented civil servants depend on to ensure they can do their work free from political interference.

Thank you for the opportunity to submit these comments. As always, the Partnership stands ready to assist as OPM considers and evaluates reforms to improve the effectiveness of our government.

Sincerely,

A handwritten signature in black ink, appearing to read "Max Stier".

Max Stier
President and CEO
Partnership for Public Service