



PARTNERSHIP FOR PUBLIC SERVICE

Better government. Stronger democracy.

May 4, 2026

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

Re: RIN 3206-AO86, "Reduction in Force"

Dear Mr. Kupor,

The Partnership for Public Service submits these comments on the Office of Personnel Management's proposed rule "Reduction in Force," RIN 3206-AO86 (Mar. 5, 2026). The Partnership is a nonprofit, nonpartisan organization committed to building a better government and a stronger democracy. We have advocated across administrations for federal law, regulations and programs that improve the government's ability to attract, hire and retain a talented workforce that effectively serves the public.

The Partnership recognizes that the current Reduction in Force regulatory framework is outdated and we commend OPM for undertaking modernization efforts of these procedures, including meaningful improvements to how employee performance is prioritized in retention registers. At the same time, several provisions of the proposed rule raise serious concerns and implementation risks. We offer the following comments with the goal of working with OPM to push forward meaningful improvements while ensuring that the appropriate safeguards are in place to ensure that RIFs are used appropriately.

Reduction in Force 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 management tool for agency leaders. The Partnership has long recognized that this process, when used responsibly, 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 impacts many employees across an agency and the programs they run, errors cause serious consequences that can cost employees, the government and the public they serve. Reforms to RIF procedures must be designed to protect merit principles and employee rights, not merely to remove friction for agencies seeking to reduce their workforces quickly and with minimal scrutiny.

A Performance Based RIF Process Only Works if the Underlying Performance Management System is Fixed

Using performance ratings as the most important factor to determine the retention register is only as meaningful as the ratings themselves. Unfortunately, the federal performance management system has well-documented problems that this rule ignores, despite proposing a new RIF framework that prioritizes reliable performance evaluation.

If the goal of this rulemaking is to ensure that poor performers are separated during a RIF, OPM needs to adequately address the performance management system. A well-functioning performance management system identifies low performance, provides feedback and removes employees who do not improve. Alternatively, RIFs are meant to reduce the workforce in the event of funding changes and strategic priority shifts and are not meant to be a substitute for a broken performance management system.

As we have stated in prior rule comments, performance goals must have clear outcomes, supervisors and managers must have the competency, commitment and capacity to make the system work in practice and the performance management system itself must be user friendly and efficient.¹ Before finalizing this rulemaking, OPM should ensure that it addresses the underlying issues that plague the federal government's performance management system.

Proposed Rule Fails to Address Strategic Workforce Planning Needs During a Reduction in Force

Understanding how to conduct a RIF is only useful if agency leaders also know which positions and skills are essential to mission effectiveness. While the proposed rule provides significant guidance to agencies on the mechanics of executing a RIF, it does not provide insight to leaders for how they should conduct strategic workforce planning to determine whether a RIF is the right tool to reduce their workforce in the first place.

Workforce reductions that are not grounded in strategic planning often produce short-term savings but long-term costs as agencies lose institutional knowledge that can take years to rebuild. Without a clear-eyed understanding of the capabilities an agency needs to fulfill its mission, RIF decisions risk being driven by factors other than genuine workforce planning strategy. The consequences of this approach are already visible – the federal government has skills gaps in critical areas, an increasingly aging workforce and a recurring pattern of removing employees who the government² rehire or replace with a more expensive contractor workforce.

¹ <https://ourpublicservice.org/wp-content/uploads/2026/03/Partnership-for-Public-Service-comments-on-Office-of-Personnel-Management-on-Performance-Appraisal-for-Non-SES-Employees-proposed-rule-RIN-3206-AP06.pdf>

² <https://federalharmstracker.org/>

Recent Changes to RIF Appeals and Performance Management Processes Must be Considered When Evaluating This Change

This proposed rule does not exist in a vacuum and must be considered alongside several other regulatory changes to the performance management and RIF appeals processes that have been proposed over the last two years.

OPM's proposals to eliminate certain performance ratings, such as removing Level 2 ratings for non-SES employees, and its encouragement to require standardized distribution of performance ratings may increase difficulty for agencies as they work to find meaningful performance differences between employees when creating retention registers. Moreover, if agencies are directed to assign low ratings to a fixed percentage of employees, performance scores on the retention register will reflect not just individual merit, but the distribution directives of agency leadership.

The recent proposal to substantially curtail the appeals opportunities available to employees who believe they have been wrongfully separated during a RIF also risks weakening the very protections meant to uphold the merit principles which this rule claims to advance.³ Without a meaningful appeals process, employees will not have a key safeguard against arbitrary or politically motivated separations just as the rules that govern RIFs are changing.

Finally, the proposed rule also arrives in the wake of what OPM has called "the largest peacetime reduction in the size of the federal workforce ever" during which "only a very small percentage of departures resulted from RIFs."⁴ 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 making it easier to use the RIF process to conduct large-scale workforce reductions moving forward.

Streamlining the RIF process is a legitimate policy goal but doing so without first reckoning honestly with the broken performance management system within the federal government and ensuring that leaders conduct proper strategic workforce planning will prevent the proposed changes from having a meaningful impact.

Elevating the Importance of Employee Performance Ratings in Retention Registers is a Sensible Change if Performance Management is Also Done Well

The Partnership supports OPM's proposal to reorder the factors used to determine retention standing, placing an employee's three most recent performance ratings ahead of tenure and

³ <https://ourpublicservice.org/wp-content/uploads/2026/03/Partnership-for-Public-Service-comments-on-Office-of-Personnel-Management-Reduction-in-Force-Appeals-proposed-rule-RIN-3206-AO99.pdf>

⁴ <https://www.federalregister.gov/documents/2026/02/10/2026-02576/reduction-in-force-appeals>

length of service. Under the current system, an employee with mediocre performance ratings who has been in federal service for longer will almost always be retained over a shorter-tenured employee with an exceptional record. The current process protects seniority, but it is not aligned with mission effectiveness.

Federal agencies that retain their highest performers during a RIF are better positioned to serve the American people over the long run. In this respect, the proposed rule reflects sound and principled federal policy judgement, and we encourage OPM to finalize this reordering while ensuring that performance ratings used in retention registers are themselves credible, consistent and free from manipulation. To ensure this, attention must be placed on the elements that lead to better agency performance management processes overall, not just on distribution of ratings.⁵

Excluding Probationary Period Employees from RIFs will Benefit Talent Pipelines by Safeguarding New Employees from Removal

The Partnership also supports OPM’s proposal to exclude employees serving an initial probationary period from the RIF process. Under the current procedures, probationary period employees are placed at the bottom of the retention register and are almost always the first to be removed – an outcome that disproportionately harms new federal employees such as early-career talent and mid-career talent with specialized expertise that agencies have specifically recruited to fill skills gaps. Thus, the current process threatens the federal government’s ability to build and sustain talent pipelines.

This change also has a practical administrative benefit. Probationary employees can already be separated at-will, so requiring agencies to include them in the complex and resource-intensive RIF process imposes unnecessary burden on human capital offices.

OPM’s decision to carve out employees who are serving in a probationary period specifically in a managerial or supervisory role, while retaining career tenure in their underlying position is also a common-sense decision. These employees have demonstrated sustained performance in the civil service, and it is reasonable to treat them differently from employees who are still in the early stages of their federal careers.

Changes to Competitive Area Definition Risk Political Targeting of Specific Offices or Functions

The proposed rule grants agencies significantly greater flexibility in how they define a competitive area for the purposes of a RIF. While this flexibility can support legitimate strategic workforce decisions, the Partnership is concerned that, without adequate guardrails, this provision could be used to target specific offices, functions or employee populations for politically motivated reasons.

⁵ <https://ourpublicservice.org/blog/federal-performance-management-needs-reform-opm/>

If agency leaders can define a competitive area narrowly enough, they can effectively concentrate a RIF's impact on a particular office or team including offices whose congressionally authorized functions or institutional missions may be at odds with the priorities of an administration. The past year has demonstrated that this concern is not hypothetical, as workforce reduction tools have been deployed by the administration in ways that were not intended by their design.

The proposed plan to allow regional and field offices to constitute discrete competitive areas compounds this concern. This provision could enable the geographic targeting of federal employees in specific communities or states. To address these risks, the Partnership recommends that OPM establish clear guardrails requiring that competitive area decisions be grounded in strategic, transparent workforce planning considerations.

Provision for “Additional Performance Factors” Creates Risk for Arbitrary Retention Register Outcomes

The Partnership has significant concerns about the proposed provision allowing agencies to award additional retention register credit to employees who have received specific performance awards, quality step increases and other recognition. While we understand the intent—to make meaningful distinctions among employees—the provision as written introduces risks of inconsistency and manipulation into what should be an objective process.

Federal agencies vary widely in their award cultures and practices. Some agencies distribute awards broadly and frequently while others do so sparingly. Allowing award history to influence retention standing without clear guidelines for standardization may produce RIF outcomes that reflect agency award practices as much as they reflect individual performance. This is particularly concerning given that some non-monetary awards are not consistently captured in official personnel records such as SF-50s, creating implementation challenges for human capital offices trying to reconstruct award histories on RIF timelines.

Most concerningly, awards are susceptible to bias from agency leaders who could use targeted awards in the period leading up to a RIF to protect favored employees, or conversely, withhold awards from groups of employees they wish to separate. Without guardrails, this provision could become a mechanism for circumventing the merit-based intent of the retention register.

To address these risks, the Partnership recommends that OPM require agencies to publish, in advance of any RIF, specific and detailed criteria for which additional performance factors will be used and how they will be weighted in retention standing determinations. OPM should also establish a clear lookback window and explicitly prohibit the use of awards issued within a defined period prior to a RIF announcement from being used to influence retention standing.



Changes to Transition Assistance Programs May Create New, Unnecessary Barriers for Displaced Employees

OPM is proposing changes to the Reemployment Priority List (RPL), Career Transition Assistance Program (CTAP) and Interagency Career Transition Assistance Program (ICTAP) which would require the programs to use merit-based practices and skills-assessments to qualify employees removed during a RIF for re-employment at federal agencies. Given that federal employees who are removed during RIF procedures will have successfully passed prior performance reviews showing they have the skills necessary to be qualified for their current position, the Partnership feels it would be redundant and inefficient to prioritize skills-based approaches to these programs.

The Partnership is also concerned about the feasibility of implementing skills-based approaches to these programs, particularly in the near-term, as agencies work to implement the requirements of the Chance to Compete Act and Merit Hiring Plan. Expansion of technical assessments to the broader federal workforce will take time and resources, and federal agencies are already struggling to implement skills-based hiring practices in their regular competitive hiring processes. Instead of applying these requirements to transition assistance programs, the administration should continue to focus energy on supporting agencies' adoption and expansion of skill-based hiring for new applicants.

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 & CEO
Partnership for Public Service