

March 24, 2022

Dear Representative:

On behalf of the National Active and Retired Federal Employees Association (NARFE), I write to highlight our concerns with H.R. 7095, the Accountable Federal Employees Act, and urge your opposition to the bill.

Notably, bill provisions to reinstitute a broad, new, excepted service category (Schedule F) threaten the integrity of the merit-based civil service system and the professional, nonpartisan civil service that it preserves.

Reinstituting Schedule F could force agency heads to move tens of thousands of employees into a Schedule F excepted employment designation. Doing so would convert competitive civil service positions into jobs with rules more akin to those covering political appointments than career positions. Current rules already allow every administration to hire political appointees who are exempt from civil service rules through Schedule C. But Schedule F would greatly expand upon that exemption by including positions "of a confidential, policy-determining, policymaking or policy-advocating character." This broad definition, applied liberally, could cover a significant portion of the federal workforce. Unlike Schedule C employees who conclude their tenure at the end of an administration, those hired under Schedule F could remain beyond the administration that appoints them. But if a new administration decided it wanted a new set of Schedule F employees, civil service rules would no longer stand in its way.

A competitive, merit-based civil service provides continuity through changing administrations, preserves institutional knowledge and expertise within the federal government, and safeguards the rule of law. Civil service rules ensure federal employees are hired and fired based on their competence, or lack thereof, and not their political connections, or lack thereof. The rules also protect employees from being removed for choosing adherence to the Constitution, laws and professional standards over politically motivated actions or perceived allegiance to a president or political party. In so doing, the rules protect against abuse of power by the executive branch, providing greater assurance that laws passed by Congress be faithfully executed. While every administration holds substantial executive power, that power is limited by the Constitution and laws of the United States. By prioritizing allegiance to that rule of law over personal allegiance, our civil service system stands as a bulwark for limited government.

Our country deserves a competent civil workforce that holds the trust of the American people. H.R. 7095 undermines that trust and would return our nation to a spoils system that undercuts the public's faith in its government. For these reasons, I ask you to refrain from cosponsoring this legislation and to oppose it if its provisions are considered in this Congress or in future Congresses.

Thank you for your consideration of NARFE's views. If you have any questions or concerns, please contact NARFE's Staff Vice President for Policy and Programs John Hatton at jhatton@narfe.org.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Ken Thomas', with a stylized flourish at the end.

Ken Thomas
NARFE National President