

Fact Sheet: President Donald J. Trump Creates New
Federal Employee Category to Enhance Accountability

The White House

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RESTORING ACCOUNTABILITY TO THE FEDERAL WORKFORCE: Today, President Donald J. Trump’s Office of Personnel Management (OPM) took action to implement President Trump’s Executive Action titled “Restoring Accountability to Policy-Influencing Positions Within the Federal Workforce.”

- OPM proposed a rule to amend the civil service regulations to include Schedule Policy/Career for career employees with important policy-determining, policy-making, policy-advocating, or confidential duties.
 - These employees will serve as at-will employees, without access to cumbersome adverse action procedures or appeals, overturning Biden Administration regulations that protected poor performing employees.
 - Line federal employees who implement those policies, like Border Patrol agents or wage and hour inspectors, will generally be excluded.
- This rule empowers federal agencies to swiftly remove employees in policy-influencing roles for poor performance, misconduct, corruption, or subversion of Presidential directives, without lengthy procedural hurdles.
- Schedule Policy/Career positions remain career positions, filled through existing nonpartisan, merit-based hiring processes.
 - These employees will keep their competitive status and are not required to personally or politically support the President, but must faithfully implement the law and the administration’s policies.
- OPM estimates 50,000 positions will ultimately be moved into Schedule Policy/Career, approximately 2% of the Federal workforce.

- The proposed rule does not directly move positions into Schedule Policy/Career. That will be done by a subsequent executive order after a final rule issues.

FIXING A BROKEN SYSTEM: The proposed rule tackles systemic issues in federal workforce accountability, addressing unaccountable, policy-determining federal employees who put their own interests ahead of the American people's.

- Federal employees report their agencies do not hold employees accountable:
 - The Merit Principles Survey shows less than a quarter of federal employees believe their agencies address poor performers effectively.
 - When asked what typically happens to poor performers in their work unit, federal employees' most common response is they "remain in the work unit and continue to underperform."
- This happens because the process for removing federal employees is lengthy and difficult:
 - The Government Accountability Office reports it takes 6 months to a year to remove poor performers, even before appeals.
 - Only two-fifths of federal managers are confident they could remove employees who committed serious misconduct.
 - Just one-quarter believe they could remove an employee for poor performance in a critical element of their job.
- Unaccountability allows corruption to fester in agencies:
 - For example, a recent audit of the Federal Deposit Insurance Corporation (FDIC) found widespread misconduct by senior leaders, such as male supervisors pressuring female subordinates for sexual favors in exchange for career assistance.
 - The FDIC almost never seriously disciplined employees for such corrupt behavior. Not a single complaint to the agency's Anti-Harassment program resulted in a removal, or even a demotion.
 - The auditors found the FDIC tolerated misconduct because the removal process was too difficult to use.

- Some bureaucrats also use the protections the system gives them to oppose presidential policies and impose their own preferences:
 - Recent polling asked senior federal employees in Washington, D.C., what they would do if the President gave them a lawful order they considered bad policy. A plurality said they would ignore the order and do what they thought best.
 - During the first Trump administration career attorneys in the Department of Justice's Civil Rights Division would not assist in litigation charging Yale University with racially discriminating against Asian and Caucasian applicants.
 - In the President's first term, career employees in the Department of Education would not constructively assist in drafting major rules like the Title IX rules.
 - An Equal Employment Opportunity Commission administrative judge (AJ) recently sent an agency-wide email stating that the agency's Acting Chair (who was appointed by President Trump) was "not fit to be our chair much less hold a license to practice law" and that the AJ would not implement President Trump's Executive Orders.
- Unaccountable bureaucracy undermines democracy. For the government to be accountable to the American people, elected officials must be able to hold policy-determining and policy-making career employees accountable for their performance and conduct.

DRAINING THE SWAMP: President Trump is delivering on his promise to dismantle the deep state and reclaim our government from Washington corruption.

- In his first term, President Trump signed an Executive Order to reclassify certain federal workers in policy-related roles as "Schedule F" employees, enabling swift accountability for those in influential positions.
- When President Biden took office, he revoked this Executive Order, reinstating protections that shielded unaccountable bureaucrats.

President Trump vowed on the campaign trail to reinstate this Executive Order, a promise he kept on his first day returning to office.

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