

Congress of the United States

Washington, DC 20515

March 6, 2025

Mr. Charles Ezell
Acting Director
Office of Personnel Management
1900 E Street N.W.
Washington, D.C. 20415

Dear Acting Director Ezell:

We write in strong opposition to the expansion of the Trump Administration's efforts to purge nonpartisan civil servants from the federal workforce, specifically recent unlawful mass terminations of employees in probationary status. Probationary employees are often those who have been recently hired or promoted.¹ Indiscriminately firing thousands of these employees threatens the future of the nonpartisan federal workforce and our government's ability to deliver life-saving services to the American people. We strongly urge the Administration to reinstate all unlawfully terminated probationary status employees and cease plans to carry out further reductions in force (RIFs).

Federal employees are placed on a probationary period when they hold less than one year of service. Federal employees may also be in a probationary status if they transfer positions, offices, or departments, or receive promotions.² For example, a military spouse who moves across the country and is promoted to a new position in a federal agency may be placed into a probationary status despite years of experience working for the federal government. As of May 2024, it is estimated that more than 220,000 federal employees held probationary status, although that number could be much higher.³

The Trump Administration is attempting to terminate en masse probationary-status employees, for one, because these employees have fewer legal protections.⁴ On January 20, 2025, the Office of Personnel Management (OPM) issued a memorandum titled, "Guidance on Probationary Periods, Administrative Leave and Details," which required agencies to identify

¹ *Why "Probationary" Employees Are A Target in Federal Job Cuts*, New York Times (Feb. 25, 2025) (online at www.nytimes.com/2025/02/25/business/economy/probationary-federal-workers-trump-cuts.html).

² 5 CFR § 351; U.S. Merit Systems Protection Board, *Improving Federal Leadership Through Better Probationary Practices* (May 2019) (online at www.mspb.gov/studies/publications/Improving_Federal_Leadership_Through_Better_Probationary_Practices.pdf).

³ Office of Personnel Management, *Federal Workforce Data* (May 2024) (online at www.fedscope.opm.gov/) (viewed data of less than one year of federal service).

⁴ See *How a Pair of Executive Orders and A Memo Could Fast Track the Civil Service's Politicization*, Government Executive (Jan. 21, 2025) (online at www.govexec.com/workforce/2025/01/how-pair-executive-ordersand-memo-could-fast-track-civil-services-politicization/402389/).

and submit to OPM a list of employees within their probationary periods.⁵ On February 11, 2025, President Trump, joined by unelected billionaire and special government employee Elon Musk, issued a sweeping executive order titled “Implementing the President’s ‘Department of Government Efficiency Workforce Optimization Initiative,’” which directed all agency heads to “initiate large-scale reductions in force,” and according to public reporting, your agency has advised all federal agencies to prioritize terminations of individuals in their probationary period.⁶ Shortly thereafter, federal agencies across the government began imposing “widespread layoffs” of thousands of probationary employees.⁷

On February 24, 2025, the Office of Special Counsel (OSC) acted swiftly to grant initial legal requests and order the reinstatement of six probationary-status federal employees who were unlawfully terminated by their employing agencies. As Special Counsel Dellinger recently stated, “[t]hese stays represent a small sample of all the probationary employees” who have been terminated with lawless abandon; he intends to continue to seek relief for other employees who were unlawfully terminated.⁸ The Merit Systems Protection Board issued a stay the next day, concurring with the OSC’s opinion, because the Administration’s unlawful actions warrant further investigation.⁹ On February 27, 2025, a federal judge ordered the Office of Personnel Management to rescind its directives that immediately led to sweeping layoffs of probationary federal employees.¹⁰

We are concerned that the sweeping nature of this RIF order has led to the unreasonable targeting of high-performing civil servants.¹¹ Some reports indicate the Administration terminated employees without proper individualized performance reviews or notice. In many cases, the termination notices, which were sent via email, were inaccurate, misspelled employee names, or included vague information about employee performance.¹² Our offices have received countless reports that individuals who were terminated under this RIF order based on “performance” had documented excellent performance records and in some cases were employed

⁵ Memorandum from Acting Director Charles Ezell, Office of Personnel Management, to Heads and Acting Heads of Departments and Agencies, *Guidance on Probationary Periods, Administrative Leave and Details* (Jan. 20, 2025) (online at www.opm.gov/media/yh3bv2fs/guidance-on-probationary-periods-administrative-leave-and-details-1-20-2025-final.pdf).

⁶ *OPM Advises Agencies to Fire Probationary Employees After “Deferred Resignation” Deadline*, Federal News Network (Feb. 13, 2025) (online at <https://federalnewsnetwork.com/workforce/2025/02/opm-fires-probationary-employees-after-deferred-resignation-deadline/>); *With Elon Musk Watching, Trump Says He’s Giving DOGE Even More Power*, NBC News (Feb. 11, 2025) (online at www.nbcnews.com/politics/doge/elon-musk-trump-doge-executive-order-rcna191751).

⁷ *Widespread Layoffs of Probationary Employees Begin*, FEDweek (Feb. 14, 2025) (online at www.fedweek.com/fedweek/widespread-layoffs-of-probationary-employees-begin/).

⁸ U.S. Office of Special Counsel, *Special Counsel Dellinger Statement on Request That MSPB Stay Terminations of Probationary Employees* (Feb. 24, 2025) (online at <https://osc.gov/News/Pages/25-22-Stay-Request-Probationary-Employees.aspx>).

⁹ U.S. Office of Special Counsel, *MSPB Grants Stays of Probationary Employee Terminations* (Feb. 25, 2025) (online at <https://osc.gov/News/Pages/25-23-Stays-Granted-Probationary-Terminations.aspx>).

¹⁰ *Judge Blocks Trump Administration’s Mass Firings of Federal Workers*, Washington Post (Feb. 27, 2025) (online at www.washingtonpost.com/dc-md-va/2025/02/27/judge-probationary-federal-employee-firings-lawsuit/).

¹¹ See 5 CFR § 351.

by the federal government for *decades*.¹³ These arbitrary and capricious dismissals have already produced a chilling effect on skilled workers who desire a career with the federal civil service. These firings will also eliminate institutional expertise and undermine the strong, merit-based, and skilled federal workforce.¹⁴

The Trump Administration's executive overreach could cripple federal agencies, including in critical areas of disaster preparedness, public health, public safety, and national security. For example, the reported firings of 2,400 U.S. Forest Service firefighting personnel could torch the federal government's ability to respond to the upcoming wildfire season.¹⁵ The widespread cuts at our leading public health agencies could choke the supply of essential nursing staff and the development of life-saving medical research.¹⁶ The cuts at the Food and Nutrition Service could gut food quality monitoring and food safety inspections while the nation is undergoing a developing crisis of bird flu and increasing food recalls.¹⁷ The staffing loss at the National Nuclear Security Administration (NNSA) risks a meltdown of mission-critical nuclear safety oversight and security protocols. As the NNSA tries to backtrack on its terminations, officials are struggling to contact the terminated individuals for reinstatement.¹⁸

¹² See *Governmentwide Firings "Devastating" To Probationary Federal Employees*, Federal News Network (Feb. 19, 2025) (online at <https://federalnewsnetwork.com/workforce/2025/02/governmentwide-firings-devastating-to-probationary-federal-employees/>); *"The Worst I've Ever Seen": Trump's Mass Layoffs Leave Federal Workers Baffled and Angry*, Time (Feb. 15, 2025) (online at <https://time.com/7225555/trump-mass-layoffs-federal-workers/>); *Trump Administration Fires Thousands for "Performance" Without Evidence, In Messy Rush*, Washington Post (Feb. 17, 2025) (online at www.washingtonpost.com/nation/2025/02/17/trump-fires-federal-workers-performance/); *Transportation Department Workers with "Exceptional" Reviews Told They're Fired for "Performance" Issues*, NBC News (Feb. 17, 2025) (online at www.nbcnews.com/politics/doge/federal-workers-exceptional-reviews-fired-performance-issues-rcna192347).

¹³ *Id.*

¹⁴ See *The Generational Shift Needs to Happen in the Federal Workforce*, Government Executive (Feb. 23, 2023) (online at www.govexec.com/workforce/2023/02/generational-shift-federal-workforce-fauci-gen-z-hiring/383230/); *Federal Layoffs Start with Huge Number of Probationary Workers and Warnings of Bigger Cuts on Way*, CBS News (Feb. 14, 2025) (online at www.cbsnews.com/news/federal-layoffs-probationary-workers-warnings-bigger-cuts-on-way/).

¹⁵ *Federal Agencies Are Still Firing Probationary Employees—Most Recently NARA and DOL*, Government Executive (Feb. 20, 2025) (online at www.govexec.com/workforce/2025/02/see-which-federal-agencies-are-firing-new-hires/403033/).

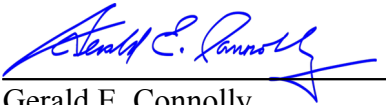
¹⁶ *U.S. CDC, NIH Lay Off Probationary Workers Under Trump Job Cuts, Sources Say*, Reuters (Feb. 14, 2025) (online at www.reuters.com/business/healthcare-pharmaceuticals/cdc-lose-one-tenth-workforce-under-trump-administration-probationary-job-cuts-ap-2025-02-14/); *Trump's NIH Layoffs Could Waste Years of Cancer Research, Fired Lab Worker Says*, NBC Washington (Feb. 19, 2025) (online at www.nbcwashington.com/news/local/trumps-nih-layoffs-could-waste-years-of-cancer-research-fired-lab-worker-says/3847364/).

¹⁷ *USDA Says It Is Trying to Rehire Bird Flu Experts the Agency Accidentally Fired*, CBS News (Feb. 19, 2025) (online at www.cbsnews.com/news/usda-accidentally-fired-bird-flu-experts-rehire/); *Federal Agencies Start Mass Layoffs, Probationary Employees Targeted*, Fed Manager (Feb. 18, 2025) (online at www.fedmanager.com/news/federal-agencies-start-mass-layoffs-probationary-employees-targeted).

¹⁸ *Which Agencies Have Been Hit by Federal Layoffs? What to Know About NPC, NIH, IRS, More*, USA Today (Feb. 19, 2025) (online at www.usatoday.com/story/news/politics/2025/02/15/federal-layoffs-firings-2025/78761259007/); *Trump Administration Wants to Un-Fire Nuclear Safety Workers But Can't Figure Out How to Reach Them*, NBC News (Feb. 15, 2025) (online at www.nbcnews.com/politics/national-security/trump-administration-wants-un-fire-nuclear-safety-workers-cant-figure-rcna192345).

Instead of dismantling federal institutions through mass layoffs of mission-critical employees, the Trump Administration must empower and invest in the skilled and mission-driven workforce that our nation already has. Purging the federal government of employees through mass firings will drain agencies of institutional knowledge and specialized expertise. Once again, we strongly encourage the Administration to reinstate all unlawfully terminated probationary-status employees and cease plans to carry out further RIFs.

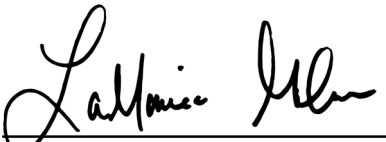
Sincerely,



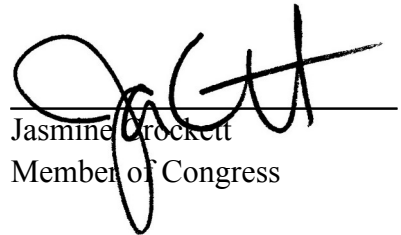
Gerald E. Connolly
Ranking Member
Committee on Oversight and
Government Reform



Robert Garcia
Member of Congress



LaMonica McIver
Member of Congress



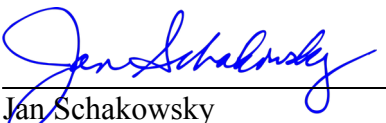
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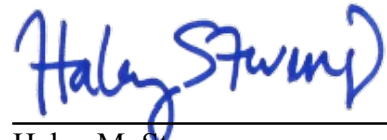
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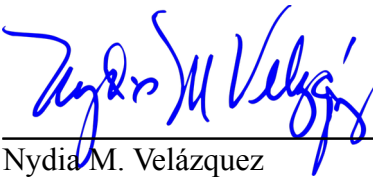
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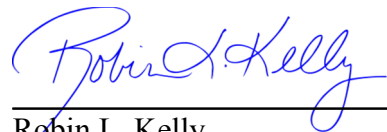
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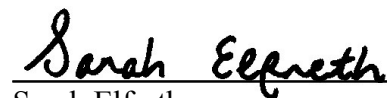
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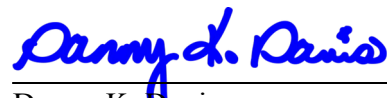
Ro Khanna
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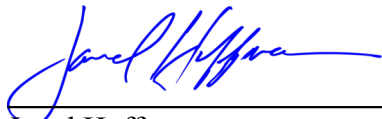
Danny K. Davis
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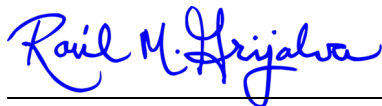
Steve Cohen
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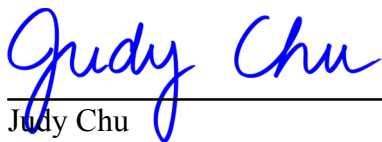
Paul D. Tonko
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Stephen F. Lynch
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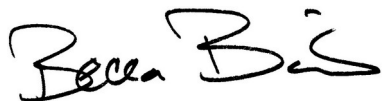
Kevin Mullin
Member of Congress



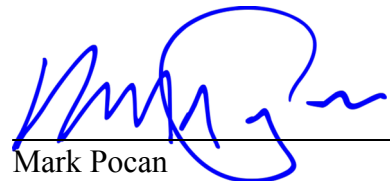
Judy Chu
Member of Congress



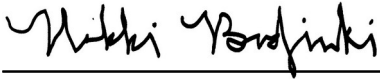
Mary Gay Scanlon
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Becca Balint
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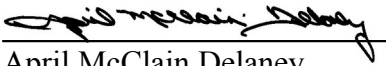
Mark Pocan
Member of Congress



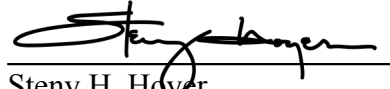
Nikki Budzinski
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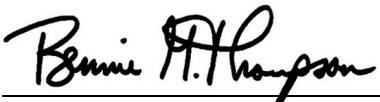
Shontel M. Brown
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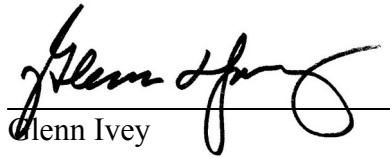
April McClain Delaney
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Steny H. Hoyer
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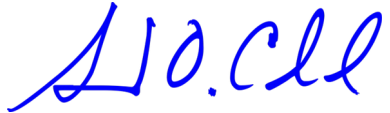
Bennie G. Thompson
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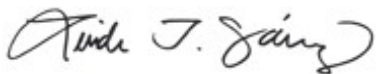
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Kathy Castor
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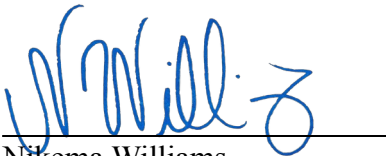
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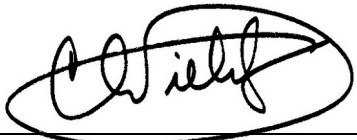
Chellie Pingree
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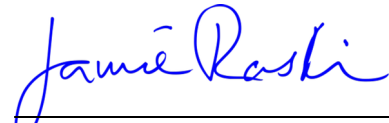
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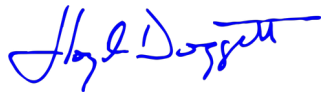
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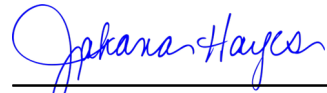
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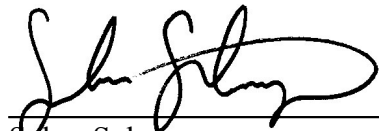
Sarah McBride
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Lloyd Doggett
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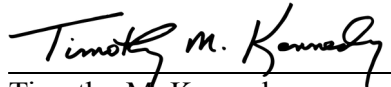
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Suhas Subramanyam
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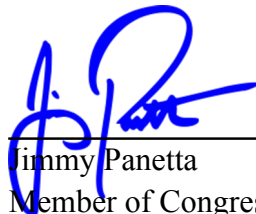
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Mikie Sherrill
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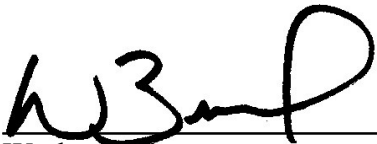
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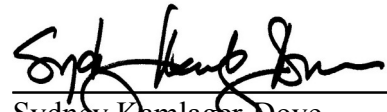
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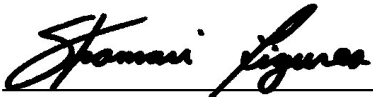
Veronica Escobar
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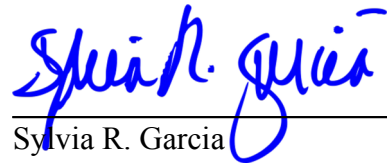
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Sydney Kamlager Dove
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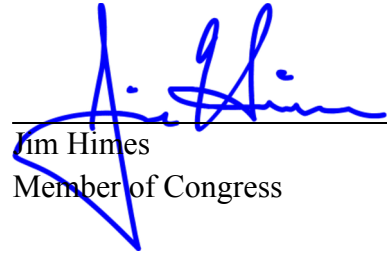
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Sylvia R. Garcia
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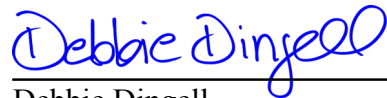
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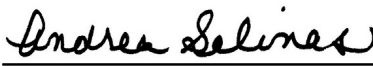
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Shri Thanedar
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Debbie Dingell
Member of Congress



Andrea Salinas
Member of Congress



Mark DeSaulnier
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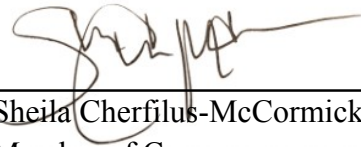
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Ami Bera, M.D.
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Ritchie Torres
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Scott H. Peters
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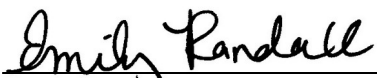
Brittany Pettersen
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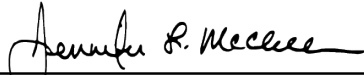
Josh Gottheimer
Member of Congress



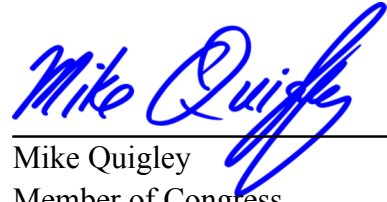
Emily Randall
Member of Congress



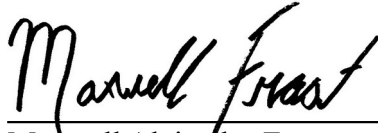
Johnny Oiszewski, Jr.
Member of Congress



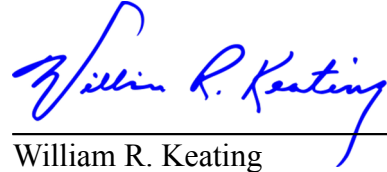
Jennifer L. McClellan
Member of Congress



Mike Quigley
Member of Congress



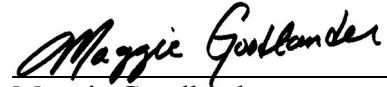
Maxwell Alejandro Frost
Member of Congress




William R. Keating
Member of Congress



Gregory W. Meeks
Member of Congress



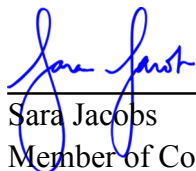
Maggie Goodlander
Member of Congress



Yassamin Ansari
Member of Congress



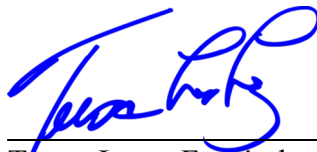
Lizzie Fletcher
Member of Congress



Sara Jacobs
Member of Congress



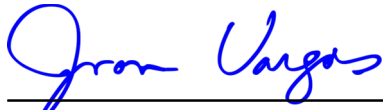
Darren Soto
Member of Congress



Teresa Leger Fernández
Member of Congress



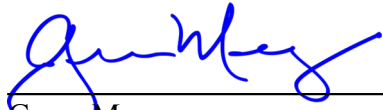
Val Hoyle
Member of Congress



Juan Vargas
Member of Congress



Joyce Beatty
Member of Congress



Grace Meng
Member of Congress



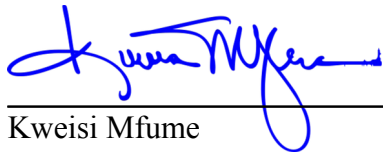
Bill Foster
Member of Congress



James P. McGovern
Member of Congress



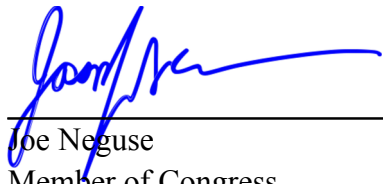
Summer L. Lee
Member of Congress



Kweisi Mfume
Member of Congress



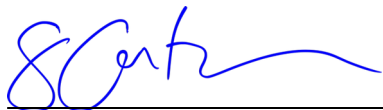
Ayanna Pressley
Member of Congress




Joe Neguse
Member of Congress



Deborah K. Ross
Member of Congress



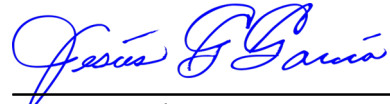
Sean Casten
Member of Congress




Sam T. Liccardo
Member of Congress



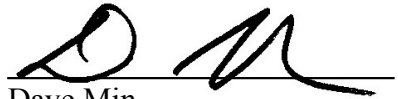
Maxine Dexter
Member of Congress



Jesús G. "Chuy" García
Member of Congress



Jonathan L. Jackson
Member of Congress



Dave Min
Member of Congress

cc: The Honorable James Comer, Chairman