

March 12, 2026

The Honorable Scott Kupor
Director
U.S. Office of Personnel Management
1900 E Street, NW
Washington, DC 20415

**RE: Reduction in Force Appeals
Docket No. OPM-2025-0239**

Director Kupor:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the Office of Personnel Management's (OPM) notice regarding its proposal to revise its regulations governing appeals of reduction-in-force (RIF) actions. As America's largest transportation labor federation whose members represent workers in all modes of transportation, including several who represent federal workers at the Federal Aviation Administration, Federal Railroad Administration, and Transportation Security Administration, TTD has a vested interest in this proposed rulemaking. Additionally, we endorse the comments of our affiliate(s) the American Federation of Government Employees (AFGE). For the reasons enumerated below, we oppose this rulemaking and respectfully request that the OPM take these and the comments of our affiliates into due and serious consideration.

The OPM proposes to transfer appeal rights for employees who have been furloughed for more than 30 days, separated, or demoted by a RIF action from the Merit Systems Protection Board (MSPB) to the OPM. The OPM states that the agency expects this change will promote greater efficiency and reduce costs to agencies in effectuating RIF actions, which may be necessary in a variety of circumstances, such as to eliminate duplicative or unnecessary functions or align agency workforces with new technology, changing mission needs, or budgetary constraints. However, this proposal would significantly weaken federal employees' rights to appeal unlawful RIF actions. If finalized, this rule will undermine civil service protections and jeopardize the effectiveness of the federal government.

MSPB's role as a neutral, third-party arbitrator was established by Congress nearly 50 years ago to help ensure an independent, professional, and nonpartisan civil service. Eliminating independent review of federal RIF actions would not only make it harder for employees to challenge their

proposed terminations, but would allow the administration to terminate federal workers without meaningful independent oversight.

Contrary to the OPM's claims in this proposed rule, by law, the MSPB is the agency responsible for reviewing federal employee appeals of various personnel actions initiated by employing federal agencies. Chapter 75 of Title 5 of the U.S. Code designates procedural requirements for adverse personnel actions, including removal, and states that an employee that has been subject to removal "is entitled to appeal to the Merit Systems Protection Board." Moreover, 5 U.S. Code Chapter 35 specifies the notice and appeal rights of employees separated from service due to a RIF.

In addition, the OPM proposes in this rule to override grievance arbitration through the Federal-Service Labor Management Relations Statute (FSLMRS), stating that OPM would be the "sole and exclusive means" to appeal a RIF action. Specifically, the OPM states, "In place of the protracted, fragmented process of grievance arbitration regarding RIFs.... OPM proposes a streamlined, one-stop process, overseen by a principal officer (the OPM Director) directly accountable to the President. OPM expects that similar efficiencies can be gained by allowing for the RIF appeal process in this part to supersede any overlapping agency appeal processes, whether or not they were negotiated as part of the collective bargaining process." However, the FSLMRS recognizes the right of unions to file grievances on behalf of represented employees or relating to a collective bargaining agreement (CBA) violation. The OPM must not supersede these statutory protections and undercut union representation.

At its core, a system designed to protect merit principles depends on neutral adjudication. The OPM's recent proposals, including this NPRM, to centralize the authority to review and adjudicate numerous federal employee actions severely undermine confidence in the fairness of these processes. It is clear that the OPM intends to weaken the structural protections that have historically served as a cornerstone of the merit system.

We appreciate the opportunity to comment on this proposal and look forward to working with the OPM in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Regan", enclosed in a rectangular box.

Greg Regan
President