

May 4, 2026

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

**RE: Reduction in Force
Docket No. OPM-2025-0107**

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, 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.

This proposed rule would prioritize performance over tenure and length of service when determining which employees will be retained in a RIF action and modify the types of employees who are excluded from RIF competition. The OPM also proposes to revise its regulations regarding the reemployment priority list (RPL), career transition assistance program (CTAP), the interagency career transition assistance program (ICTAP), transfers of function, and furloughs.

Broad Civil Service Reforms

TTD strongly opposes the OPM's proposed shift away from seniority to performance-based metrics when determining employees that will be released as a result of a RIF action. We cannot ignore the additional civil service reforms proposed by the OPM in recent months that when taken together would facilitate mass layoffs and pave the way for a partisan civil service. These preceding proposals, if finalized, would strip away independent review of RIFs and institute a forced performance ratings system.¹

¹ See OPM-2025-0273 and OPM-2025-0239.

Performance Evaluations

Performance evaluations can vary significantly across agencies and individual supervisors. Without a uniform and validated evaluation system, employees may be subject to inconsistent standards, favoritism, and/or retaliation. As a result, job security may ultimately depend on discretion of supervisors and agency culture, rather than actual job performance.

The proposed rule in this docket then relies upon performance ratings as the primary factor when determining which employees remain in their positions following a RIF action. Therefore, employing federal agencies control both who receives high ratings and who gets laid off, enabling politically motivated separations. We must highlight that this violates the prohibited personnel practices under 5 U.S.C. § 2302(b) and the merit system principles of 5 U.S.C. § 2301(b)(1).

Collective Bargaining

In addition to complications arising from the performance ratings system, this proposed rule may negatively impact collective bargaining rights for federal employees. Many federal agencies operate under negotiated collective bargaining agreements (CBAs) that include seniority protections in RIF procedures. A rule change that overrides these agreements may improperly interfere with collective bargaining rights and expose agencies to legal challenges through the Merit Systems Protection Board (MSPB), Federal Labor Relations Act (FLRA), or other administrative processes.

Conclusion

For more than a century, the civil service in the United States has been nonpartisan. The dedicated civil servants that report to work every day to deliver for the American people deserve such a system. The OPM will significantly undermine existing merit system protections if this and other proposed reforms move forward. As such, we urge the agency to suspend this rulemaking procedure.

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

Sincerely,



Greg Regan
President