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January 19, 2021

Acting Director Michael Rigas
Office of Personnel Management
1900 E Street, NW
Washington, DC 20415

Re: Senior Executives Association Comments on OPM Proposed Rule – Reduction in Force (RIN 3206-AO06)

Dear Acting Director Rigas:

On behalf of the Senior Executives Association (SEA) – which represents the interests of career federal executives in the Senior Executive Service (SES), those in Senior Level (SL), Scientific and Professional (ST) and equivalent positions and other senior career federal leaders, including our General Schedule members (GS 12-15) – I write to provide the Association’s comments on OPM’s proposed rule on Reduction in Force (RIF) to prioritize performance over tenure ((RIN 3206-AO06).

The concept that an employer in today’s competitive labor market would want performance to be prioritized over employee tenure in personnel decisions makes perfect sense. This is a concept that SEA supports. But in reality, this proposal may create more risks and problems than it solves and should be considered with caution.

Tenure is an objective measure. It is easily scored and ranked. It cannot be politicized or manipulated. Performance is a subjective measure, and therein lies the problem with this proposal.

According to the Federal Employee Viewpoint Survey (FEVS), employees do not feel that performance ratings are meaningful nor credible. The survey has reported similar results on performance management for nearly 15 years. Ratings in the government vary significantly within departments, influenced by a confluence of union contracts, disparate policies, different managers or organizational culture.

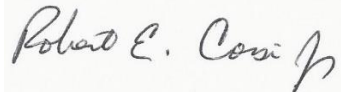
Moreover, agencies have not taken care or devoted necessary attention to manager selection, manager and leader development, succession planning, and other critical elements of the talent and performance management lifecycles. This results in a government career leadership cadre often ill-equipped to manage and discuss performance with their employees.

Changing the RIF rules to prioritize performance over tenure therefore bears significant risks. The likelihood that employees, and their union representatives, will grieve and challenge ratings seems guaranteed to rise, which will require agency managers, HR, and legal staff to devote resources to litigation and challenges instead of workforce management.

SEA encourages OPM to consider the issue of tenure and performance more broadly in the context of talent management, rather than in specific and siloed policies. Failing to appreciate how these policies come together has been a driver of the stasis on longstanding areas of challenge for federal human capital management, and will continue to be so until OPM leads the government to taking a more integrated approach.

SEA appreciates the opportunity to share its views on the proposed regulation. If you wish to further discuss SEA's views, please contact SEA's Director of Policy and Outreach, Jason Briefel, at Jason.Briefel@seniorexecs.org.

Sincerely,

A handwritten signature in black ink that reads "Robert E. Corsi, Jr." The signature is written in a cursive style and is placed on a light-colored rectangular background.

Robert E. Corsi, Jr.
Interim President
Senior Executives Association