

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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March 3, 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, because these employees have fewer legal protections.⁴ On January 20, 2025, the Office of Personnel Management (OPM) issued a memorandum titled, "Guidance on

¹ *Why "Probationary" Employees Are A Target in Federal Job Cuts*, New York Times (Feb. 25, 2025) (online at <http://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/).

Probationary Periods, Administrative Leave and Details,” which required agencies to identify 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 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 and intends to broaden this decision to 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 OPM to rescind its directives that immediately led to sweeping layoffs of probationary federal employees.¹⁰

The Committee is 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 details on employee performance.¹² The Committee has received reports that individuals who were terminated under this RIF order based on “performance” had documented excellent performance records and in some cases were

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 <https://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.

employed 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 back-track 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 in mission critical areas. Once again, we strongly encourage the Administration to reinstate all unlawfully terminated probationary status employees and cease plans to carry out further reductions in force (RIFs).

To date, your office has failed to respond or produce a single responsive document to Committee Democrats' February 3, 2025, letter requesting that President Trump direct your office to transmit documents and communications pertaining to our investigation.¹⁹ To that end, we respectfully reiterate requests 12 and 13 from our February 3, 2025, letter and urge production on these requests immediately:

1. (Request 12) All documents or communication that identify the purpose(s) for which OPM has instructed agencies, per the January 20, 2025, memorandum regarding "Guidance on Probationary Periods, Administrative Leave and Details," to identify all federal employees on probationary periods, and specify the use(s) and/or any decision(s) that OPM has made or intends to make on the basis of that information; and
2. (Request 13) A copy of all reports or lists provided to OPM that identify employees on probationary periods, who have served less than a year in a competitive service appointment, or who have served less than two years in an excepted service appointment.²⁰

To help determine the instances in which the Administration may have violated the law or where the law should be amended to prevent abuses of power by the President or executive branch officials, we require your immediate and complete response to the detailed requests for information and documents included below. We request that you provide the following information by March 17, 2025:

1. All documents and communications referring or related to the development and implementation of Executive Order 14210, titled "Implementing the President's "Department of Government Efficiency" Workforce Optimization Initiative" (EO 14210);
2. The constitutional or statutory authority the President relied on in the drafting of EO 14210;

¹⁹ Letter from The Honorable Gerald E. Connolly, Ranking Member, Committee on Oversight and Government Reform, et al. to President Donald Trump (Feb. 3, 2025).

²⁰ As of March 3, 2025, the Executive Office of the President, Office of Personnel Management, and Office of Management and Budget have not responded to any of the Committee on Oversight and Government Reform Democrats' requests from our February 3, 2025, letter. Committee Democrats continue to expect complete responses to all requested documents and information from our February 3, 2025, letter. *Id.*

3. A full and complete list of the agencies, offices, departments, and positions that are exempt from Executive Order 14210 due to “national security, homeland security, or public safety responsibilities”;
4. A full and complete list of the number of probationary employees fired by the federal government from January 20, 2025, to present, including the following information;²¹
 - a. A full and complete list of the number of employees separated or to be separated from service due to a RIF, broken down by geographic area; veterans’ status; disability status;
 - b. A full and complete list of efficiency or performance ratings for each probationary employee fired by the federal government;
5. A full and complete list of the purpose for termination for each probationary employee terminated by the federal government from January 20, 2025, to present;²² and
6. All documents and communications referring or related to each Federal employee removed due to a RIF action or terminated on orders, advice, or recommendation of Elon Musk, any individual considered to be a member of a DOGE agency team, or any official or unofficial member of the United States DOGE Service since January 20, 2025.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions regarding this request, please contact Committee Democratic staff at (202) 225-5051.

Sincerely,



Gerald E. Connolly
Ranking Member



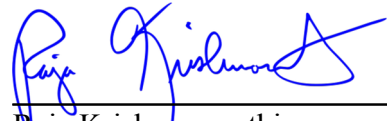
Eleanor Holmes Norton
Member of Congress

²¹ The Committee reserves the right to expand the scope of responsive information as part of its investigation.

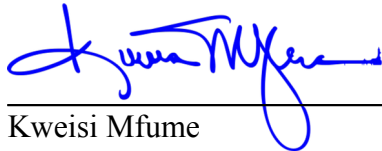
²² *Id.*



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Member of Congress



Raja Krishnamoorthi
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Kweisi Mfume
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Shontel M. Brown
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Melanie Stansbury
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Robert Garcia
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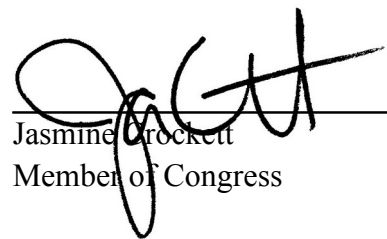
Maxwell Alejandro Frost
Member of Congress



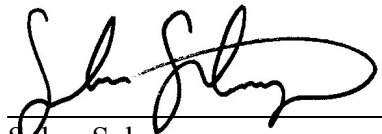
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Greg Casar
Member of Congress



Jasmine Crockett
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Suhas Subramanyam
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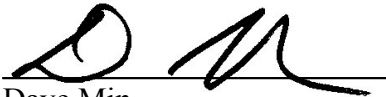
Yassamin Ansari
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Wesley Bell
Member of Congress



Lateefah Simon
Member of Congress



Dave Min
Member of Congress



Ayanna Pressley
Member of Congress

cc: The Honorable James Comer, Chairman