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7-12-2019

## The Trump Administration Wants to Dismantle the Agency Overseeing 2 Million Federal Workers – and Weaken Safeguards Against Partisanship

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### Publication Information

May, Matthew, "The Trump Administration Wants to Dismantle the Agency Overseeing 2 Million Federal Workers – and Weaken Safeguards Against Partisanship" (2019). *University Author Recognition Bibliography: 2019*. 9.

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In 1978, President Jimmy Carter spoke at a Northern Virginia high school about civil service changes underway. AP Photo/Jeff Taylor

## The Trump administration wants to dismantle the agency overseeing 2 million federal workers – and weaken safeguards against partisanship

July 12, 2019 8.05am EDT

The U.S. government has put expertise and competence ahead of political considerations when it hires people for more than 135 years.

As a result of changes made during President Chester Arthur's administration, the vast majority of government jobs can only be awarded on the basis of merit. Prospective employees historically had to complete a competitive exam and today must complete detailed applications, undergo interviews and get their background checked. Employees also cannot be fired or demoted for political reasons.

These rules apply to all but about 4,000 politically appointed employees among the 2 million people who work for the federal government, not counting postal service workers. Those only require presidential support and, for around 1,200 of these jobs, Senate confirmation.

The Trump administration is taking several steps that could remove safeguards against partisanship and nepotism in the federal workforce. Among other things, it is pushing to dissolve the Office of Personnel Management, which oversees the administration of the civil service system. Democrats are objecting to this move.

### Author



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As a public administration researcher, I look at how political partisanship influences the relationship between government employees and elected officials.

To understand why scholars like me and other experts are concerned that dismantling OPM could harm the civil service system by making it more partisan, it is helpful to understand why the U.S. moved toward a merit-based system in the first place.

### **To the victor goes the spoils**

For about a century following independence from Britain, the U.S. federal workforce operated under a patronage system. Also called the spoils system, it gave elected politicians complete control over the federal workforce, allowing them to dole out government jobs to their most ardent supporters and remove partisan foes.

The political party in power profited directly from the spoils system because a portion of every appointee's paycheck would be earmarked as a mandatory campaign contribution. By the late 1870s, these mandatory contributions accounted for three-quarters of all campaign contributions.

This emphasis on political loyalty meant that numerous federal employees were either unqualified, unethical or both. Federal government employees were implicated in many bribery scandals, involving everything from regulating railroads to overseeing the whiskey business to awarding contracts for trading posts at military forts.

Even so, members of both major political parties tried to reform the spoils system but were largely unsuccessful until a tragedy brought about change.

### **An assassination spurs reform**

Charles J. Guiteau, a man who by many accounts was suffering from mental illness, shot President James Garfield on July 2, 1881. Garfield soon died from infections related to the gunshot wound.

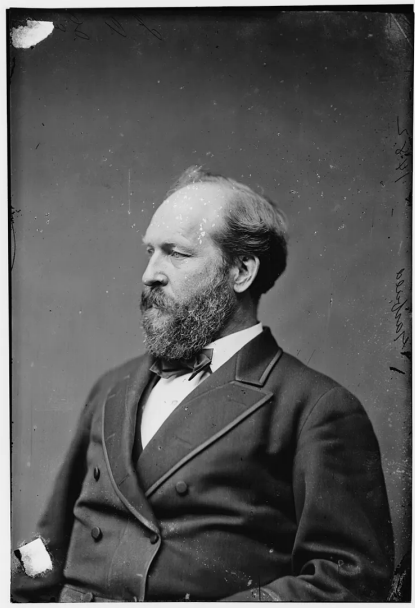
Guiteau was furious over being denied a federal job despite his perception that he had personally helped Garfield win. The assassination led to a public outcry and widespread demands for personnel reforms.

A bipartisan legislative majority passed the Pendleton Act in 1883. The law established open competitive exams for most government positions. The goal was to ensure that civil servants were capable of doing their jobs, while letting presidents retain the ability to appoint the most senior positions. That same system remains largely in place today, administered by three agencies since 1978.

### **Not down with OPM**



Safeguards began making the federal workforce more neutral when Chester Arthur was in the White House. Charles Milton Bell



James Garfield's assassin said he was angry about not getting a federal job he believed he was due. Brady-Handy photograph collection, Library of Congress, Prints and Photographs Division

One of those three agencies is the Office of Personnel Management, which the Trump administration wants to dismantle and then move its civil service functions elsewhere. Most of the agency's responsibilities would land within the General Services Administration, which currently oversees the government's real estate and procurement.

House Democrats and federal labor leaders want to block the move. They say it is unwarranted and could inject partisanship into the federal hiring process – meaning that members of the party in the White House would get the bulk of all new civil service jobs.

OPM is an independent federal agency overseen by Congress. Heads of independent agencies are appointed by the president and confirmed by the Senate, but unlike Cabinet members, they cannot be fired without cause. This makes them more autonomous than other executive branch agencies and partially insulates them from presidential directives.

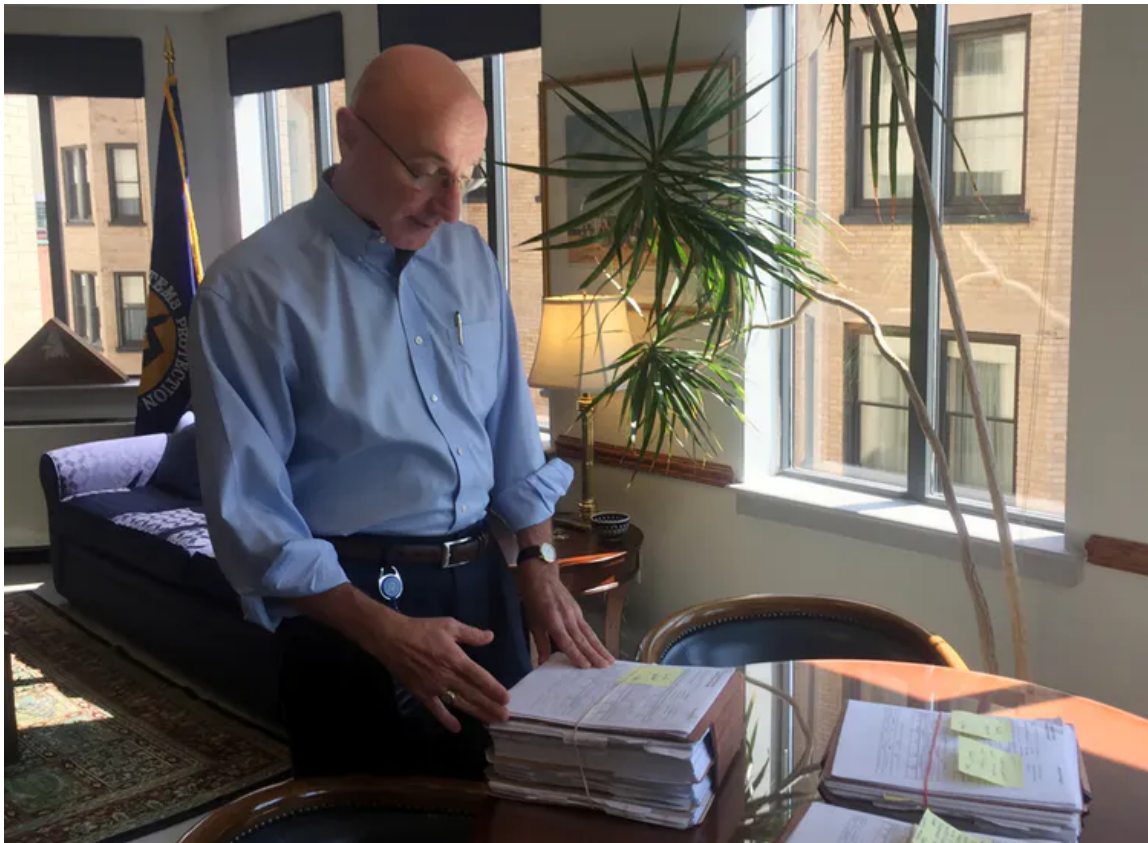
The Office of Management and Budget, which would take over the administration of federal workforce policy if OPM no longer exists, is an executive branch agency under the president's direct control. Under this arrangement, Trump could potentially exert more influence over those policies, which he has already shown a willingness to do.

In May of 2018, President Trump issued three executive orders designed to make it easier to fire federal employees and limit the power of federal labor unions. A federal judge blocked the orders a few months later, but some agencies are still trying to independently implement the changes.

## **More grievances**

The three-seat U.S. Merit Systems Protection Board is another agency that grew out of the Civil Service Commission. It is charged with adjudicating employee grievances within the civil service system and has lacked a quorum since a few weeks before Trump took office in January 2017. It has a backlog of more than 2,100 cases waiting to be heard.

The term of its last remaining member, Mark Robbins, expired in March 2019. All board positions have been vacant since then, pending Senate approval of Trump's three nominees.



When he was the last remaining member of the Merit Systems Protection Board, Mark Robbins was unable to move forward with any of the panel's business. AP Photo/Juliet Linderman

The Federal Labor Relations Authority, the third agency that grew out of the Civil Service Commission, administers labor-management relations for non-postal service federal employees. In June 2019, a union representing more than 8,000 Environmental Protection Agency employees filed a grievance with the authority over the Trump administration's plans to limit telework to one day a week and make it easier to fire EPA staff. The workplace changes are similar to those included in executive orders Trump had signed but which got tied up in court.

In addition to dismantling OPM, the Trump administration plans to relocate a total of about 550 jobs at two Washington, D.C.-based U.S. Department of Agriculture research agencies to Kansas City.

Even before the USDA announced the new workplace site in June 2019, giving these researchers one month to decide whether to move to Kansas City, many had resigned. Some staff members have argued that the reorganization is a form of retaliation against the researchers for their findings that are sometimes at odds with Trump administration policies on issues, such as the degree to which Supplemental Nutrition Assistance Program benefits – also known as food stamps – help millions of Americans.

The official rationale for the move is that it will cut costs.