

Trump unsettles US civil service, National Labor Relations Board

ANDY PRENDERGAST

New US President Donald Trump is swiftly disrupting the US civil service, by offering federal workers a buyout for their resignation and removing protections for some federal employees, in addition to mandating all federal workers return to the office full time.

In a move that was expected, Trump has fired the head of the National Labor Relations Board (NLRB), Jennifer Abruzzo, but has gone further and also fired an NLRB board member, Gwynne Wilcox – a decision that has sparked legal action.

Last week, Trump made several orders applying to public servants and agencies, such as ordering federal workers to return to the office full time (see [IRN 04/2025](#)).

This week, the Office of Personnel Management (the centralised HR office for the civil service in the USA) sent an email to federal workers (see below), outlining the four-pronged approach that the Trump administration plans to uproot the civil service – the most consequential of which may be to be an offer for federal employees to resign now and be paid up until 30 September 2025.

The offer is not available to all federal employees (it excludes military personnel, the Postal Service, and immigration enforcement and national security staff)

If this offer is taken up with high demand, it could result in a sudden shortage of staff to deliver key public services.

The American Federation of Government Employees said the buyout offer was not “voluntary” but is designed to pressure federal workers to leave.

CHANGING STATUS

Trump has also made an executive order that removes protections for some federal employees against dismissal (referred to as Schedule F). It would essentially change the employment status of some federal workers to ‘at will’, meaning they can be dismissed easily.

In his Order on ‘Restoring Accountability to Policy-Influencing Positions within the Federal Workforce’, it sets out the reasoning for unwinding the employment protections for some federal workers”

“A critical aspect of this executive function is the responsibility to maintain professionalism and accountability within the civil service. This accountability is sorely lacking today. Only 41 percent of civil service supervisors are confident that they can remove an employee who engaged in insubordination or serious misconduct. Even fewer supervisors — 26 percent — are confident that they can remove an employee for poor performance.”

It continues: “Accountability is essential for all Federal employees, but it is especially important for those who are in policy-influencing positions. These personnel are entrusted to shape and implement actions that have a significant impact on all Americans. Any power they have is delegated by the President, and they must be accountable to the President, who is the only member of the executive branch, other than the Vice President, elected and directly accountable to the American people.

In recent years, however, there have been numerous and well-documented cases of career Federal employees resisting and undermining the policies and directives of their executive leadership. Principles of good administration, therefore, necessitate action to restore accountability to the career civil service, beginning with positions of a confidential, policy-determining, policy-making, or policy-advocating character”.

US Government agencies now have 90 days to conduct a preliminary review of their employees, identifying which should be reclassified and a further 120 days to submit this reclassification information.

UNPRECEDENTED FIRINGS

President Trump has, as expected, dismissed the general counsel of the NLRB, Jennifer Abruzzo, a political appointee of former President Joe Biden. President Biden fired Trump’s first-term appointee to general counsel, Peter Robb, in 2021.

The National Labor Relations Board (NLRB), established by President Franklin D. Roosevelt in 1935, is the federal agency in charge of protecting employees’ rights to organize and to determine whether to have unions as their bargaining representative. It also acts to prevent and remedy “unfair labor practices” committed by private sector employers and unions.

A US Circuit Court of Appeals ruled, in 2023, that presidents can treat the general counsel of the NLRB in an ‘at will’ manner (i.e. they can be fired easily) but the board members are protected against this type of dismissal. For NLRB board members to be fired, it must be shown that they neglected their duty or engaged in malfeasance in office.

However, in addition to dismissing GC Abruzzo, Trump has also fired board member Gwynne Wilcox – the first time a US President has dismissed an NLRB board member.

Ms Wilcox has labelled her dismissal as “illegal” and will likely challenge the move in court(s). Organised labor groups are also set to challenge her dismissal and seek restraining orders against her removal.

Removing Ms Wilcox effectively renders the NLRB unable to carry out most of its activity, as they will be short of a quorum to make decisions. If the matter runs through the courts it could mean the NLRB will be impotent for years.

An informed source in Washington DC notes that if the removal of Ms Wilcox was to be found constitutional (i.e. favouring Trump) it will exacerbate the partisan “whiplash” nature of the NLRB that has been evident over the last decade, and could result in “even more drastic swings on policy issues”.

President Trump also fired two Commissioners in the US Equal Employment Opportunity Commission, both Democrats. One of these commissioners, Jocelyn Samuels, was appointed by Trump during his first term in office, to fill a vacant Democrat position.

LETTER TO FEDERAL EMPLOYEES

Below is the letter sent from the OPM to over two million federal employees in the USA on 28 January, including the simple instructions on how to resign. It’s style is similar to the ‘offer to resign’ letter that Elon Musk sent to Twitter employees when he took over that company in 2022 (Elon Musk was appointed to head up the new USA Department of Government Efficiency)

“During the first week of his administration, President Trump issued a number of directives concerning the federal workforce. Among those directives, the President required that employees return to in-person work, restored accountability for employees who have policy-making authority, restored accountability for senior career executives, and reformed the federal hiring process to focus on merit. As a result of the above orders, the reform of the federal workforce will be significant.

The reformed federal workforce will be built around four pillars:

- 1. Return to Office: The substantial majority of federal employees who have been working remotely since Covid will be required to return to their physical offices five days a week. Going forward, we also expect our physical offices to undergo meaningful consolidation and divestitures, potentially resulting in physical office relocations for a number of federal workers.*
- 2. Performance culture: The federal workforce should be comprised of the best America has to offer. We will insist on excellence at every level — our performance standards will be updated to reward and promote those that exceed expectations and address in a fair and open way those who do not meet the high standards which the taxpayers of this country have a right to demand.*
- 3. More streamlined and flexible workforce: While a few agencies and even branches of the military are likely to see increases in the size of their workforce, the majority of federal agencies are likely to be downsized through restructurings, realignments, and reductions in force. These actions are likely to include the use of furloughs and the reclassification to at-will status for a substantial number of federal employees.*
- 4. Enhanced standards of conduct: The federal workforce should be comprised of employees who are reliable, loyal, trustworthy, and who strive for excellence in their daily work. Employees will be subject to enhanced standards of suitability and conduct as we move forward. Employees who engage in unlawful behavior or other misconduct will be prioritized for appropriate investigation and discipline, including termination.*

Each of the pillars outlined above will be pursued in accordance with applicable law, consistent with your agency’s policies, and to the extent permitted under relevant collective-bargaining agreements.

If you choose to remain in your current position, we thank you for your renewed focus on serving the American people to the best of your abilities and look forward to working together as part of an improved federal workforce. At this time, we cannot give you full assurance regarding the certainty of your position or agency but should your position be eliminated you will be treated with dignity and will be afforded the protections in place for such positions.

If you choose not to continue in your current role in the federal workforce, we thank you for your service to your country and you will be provided with a dignified, fair departure from the federal government utilizing a deferred resignation program. This program begins effective January 28 and is available to all federal employees until February 6. If you resign under this program, you will retain all pay and benefits regardless of your daily workload and will be exempted from all applicable in-person work requirements until September 30, 2025 (or earlier if you choose to

accelerate your resignation for any reason). The details of this separation plan can be found below.

Whichever path you choose, we thank you for your service to The United States of America.

Upon review of the below deferred resignation letter, if you wish to resign:

- 1. Select "Reply" to this email. You must reply from your government account. A reply from an account other than your .gov or .mil account will not be accepted.*
- 2. Type the word "Resign" into the body of this reply email. Hit "Send".*