



## LOCAL 777

INTERNATIONAL FEDERATION OF PROFESSIONAL & TECHNICAL ENGINEERS, AFL-CIO  
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July 31, 2026

via [www.regulations.gov](http://www.regulations.gov)

Re: Proposed Rule, Promoting Employee Accountability  
Docket ID: 2025-OPM-0012  
RIN 3206-AO91 (OPM), 3124-AA35 (MSPB)

I am writing on behalf of Local 777 of the International Federation of Professional and Technical Engineers (IFPTE), AFL-CIO. We represent federal workers in recognized bargaining units; as well as unorganized associate members; in the U.S. Army Corps of Engineers.

IFPTE Local 777 opposes this proposed rule. As federal employees and union representatives, we have spent years watching agencies handle disciplinary cases. We have represented each other as employees through grievances, arbitrations, investigations, and discipline. From where we sit, this proposal does the exact opposite of what it claims to do.

OPM says this rule will improve accountability and make government more efficient — It won't. It will make government bigger, slower, more expensive, and less accountable.

Federal employees are already held accountable every day. They can be, and often are, investigated, suspended, demoted, removed, and forced to spend months or years defending themselves. Agencies already have those tools.

The people who are not held accountable are bad managers — that is the problem this proposed rule ignores. A supervisor can ignore the facts, fail to investigate, violate a negotiated agreement, apply discipline inconsistently, or push a case that never should have made it past the first meeting. When that case falls apart during a grievance, arbitration, MSPB appeal, or EEO complaint, almost nothing happens to the supervisor.

Instead, the employee pays in time, stress, and lost productivity. The union spends hours — sometimes into the hundreds — defending the case. The agency pulls supervisors, witnesses, Labor and Employee Relations specialists, and attorneys away from their regular jobs. The taxpayers pay for every minute of it. Then the case ends, everyone moves on, and the same supervisor is free to do it again.

That is not accountability — that is government wasting taxpayer money.

This proposal never asks one simple question: How much does bad management cost the American taxpayer?

OPM measures how quickly agencies discipline employees.

- Why doesn't it measure how many disciplinary actions get overturned?
- Why doesn't it measure how many grievances are sustained because management violated the contract?
- Why doesn't it measure how many MSPB appeals are lost because supervisors failed to follow the law?
- Why doesn't it measure how many taxpayer dollars are spent defending personnel actions that should never have been proposed?

Those numbers matter — that is where government waste is hiding.

If OPM truly wants a more efficient government, that is where it should start. Instead, this proposal gives management even more authority while asking nothing more from management itself.

The proposed rule also removes the *Douglas* Factors. That is another mistake. The *Douglas* Factors have worked for decades because they force managers to stop and think before imposing discipline. They require deciding officials to look at the employee's record, whether similar cases were handled the same way, whether the employee can improve, and whether the punishment actually fits what happened. Replacing that with a vague "totality of the circumstances" standard opens the door for different supervisors to hand out different penalties for the same conduct.

That is not consistency — fairness — or accountability.

The proposal also weakens negotiated grievance procedures and makes it harder for employees to receive experienced representation before the MSPB. That does not create a better government. It simply makes it easier for agencies to defend questionable actions while making it harder for employees to defend themselves. This does not advance the goals of the federal government as a "model employer."

Another problem this proposal ignores is the growing dependence on Labor and Employee Relations (HR) offices and agency attorneys. Those offices have an important job, but somewhere along the way many supervisors stopped doing theirs. Instead of sitting down with an employee and fixing a problem, the first phone call is often to HR or agency counsel. From that point forward, too many cases become about building a record to support discipline instead of solving the problem.

Good supervisors solve problems. Poor supervisors build cases.

There is a difference.

Labor Relations specialists and agency attorneys should be giving advice, not driving routine personnel actions. When every problem turns into a legal file instead of a conversation, the result is exactly what we see today—more grievances, more arbitrations, more MSPB appeals, more litigation, and more wasted taxpayer dollars. This proposal claims it will improve efficiency. It will do the opposite:

- It will create more disputes.
- It will encourage more litigation.
- It will consume more taxpayer money.
- It will reward poor management while failing to improve performance or conduct issues.

The federal government does not have an employee accountability problem. It has a **management** accountability problem. Until supervisors are held responsible for poor decisions, failed investigations, contract violations, and disciplinary actions that cannot stand up under review, nothing will change.

The same mistakes will be made.

The same cases will be filed.

The same taxpayer dollars will be wasted.

The same public resources will be tied up defending decisions that should never have been made.

That means less time carrying out the mission of federal agencies and more time defending management mistakes. The American people deserve better. Taxpayer dollars should be spent serving the public, not cleaning up avoidable management failures. Every dollar wasted defending against a bad personnel action is a dollar that cannot be used to maintain infrastructure, improve waterways, strengthen public safety, support veterans, protect our natural resources, or carry out the countless missions the public expects from its government.

That is why this proposal misses the mark. It expands management's authority without demanding management accountability. It promises greater efficiency while creating more waste. It claims to strengthen government while protecting one of the biggest sources of inefficiency in the federal workplace.

For these reasons, I urge OPM and MSPB to withdraw this proposed rule and replace it with one that finally holds management to the same standard it expects from every federal employee.

Sincerely,

A handwritten signature in black ink, appearing to read 'Colin C. Smalley', with a stylized, flowing script.

Colin C. Smalley  
President