



# LOCAL 777

INTERNATIONAL FEDERATION OF PROFESSIONAL & TECHNICAL ENGINEERS, AFL-CIO  
PO Box 109, CHICAGO, ILLINOIS • WWW.IFPTE777.ORG • 312-450-0838

## EXECUTIVE BOARD

COLIN C. SMALLEY  
*PRESIDENT*

KRISTINA T. SCHULTZ  
*VICE-PRESIDENT*  
PITTSBURGH DISTRICT  
*CHAPTER*

DAVID J. CARULLI  
*VICE-PRESIDENT (ACTING)*  
SACRAMENTO DISTRICT &  
SOUTH PACIFIC DIVISION  
*CHAPTER*

RICHELLE J. HUSTON  
*SECRETARY*

DAVID A. WISNIEWSKI  
*CHIEF STEWARD*

JOHN M. BERENS  
*CHIEF ORGANIZER*

March 26, 2026

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

Re: Notice of Proposed Rulemaking, Performance Appraisal for General Schedule, Prevailing Rate, and Certain Other Employees  
Docket ID: OPM-2025-0273  
RIN number 3206-AP06

IFPTE Local 777 – a union representing over 1,500 workers at the U.S. Army Corps of Engineers – opposes the proposed elimination of employees' ability to grieve performance ratings under 5 CFR Part 430.

Performance ratings materially affect pay (within-grade increases), awards, promotion competitiveness, reduction-in-force standing, and performance-based adverse actions. Removing access to negotiated grievance procedures eliminates a long-standing accountability mechanism without demonstrating that such procedures impede effective performance management.

Under 5 U.S.C. Chapter 71, Congress established negotiated grievance procedures as the primary administrative forum for resolving workplace disputes. Performance ratings are not excluded from negotiated grievance procedures under 5 U.S.C. § 7121(c). Eliminating regulatory recognition of rating grievances risks conflict with existing collective bargaining agreements, generating negotiability disputes, unfair labor practice charges, and operational instability.

The proposal is particularly concerning when combined with the removal of the prohibition on forced or standardized rating distributions. Allowing forced distributions while eliminating grievance rights increases the risk of arbitrary or quota-driven ratings without a meaningful internal review mechanism.

In our experience representing federal employees for decades, the negotiated grievance process is typically faster, less formal, and less costly than alternative forums such as MSPB appeals, EEO complaints, or OSC filings. Removing it is likely to increase administrative burden rather than reduce it.

The Notice of Proposed Rulemaking asserts that binding arbitration “requires agencies to defend performance ratings in an often lengthy process that can involve considerable expense... These dynamics pressure supervisors to inflate performance ratings to avoid litigation, undermining the integrity of the assessment.” OPM offers no support for this conclusion, which obviously only considers one course of action. Local 777 offers an alternative that requires no rulemaking: OPM should work with Agencies to improve fairness and respect for the law, agency policy, and negotiated agreements in performance evaluations, which would reduce grievances. When Agency management makes mistakes, OPM could encourage accountability by requiring Agencies to grant appropriate relief (or reach settlement) to resolve grievances before reaching arbitration.

IFPTE Local 777 respectfully urges OPM to withdraw the proposal to regulate whether performance ratings are within the scope of a negotiated grievance procedure.

Performance accountability should apply to all levels of the organization. Eliminating negotiated grievance rights for ratings removes balance without demonstrated necessity. Even worse, it removes the ability of local management to agree to collective bargaining terms that work best for its missions and workforce; weakening the ability to solve problems efficiently and fairly.

Sincerely,

A handwritten signature in black ink, appearing to read "Colin C. Smalley". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Colin C. Smalley  
President