

The Preventing a Patronage System Act of 2020

On October 21, 2020, President Trump signed Executive Order 13957 creating Schedule F in the excepted service. This executive order undermines the merit system principles of our federal workforce by requiring agency heads to reclassify “policy-determining, policy-making, or policy-advocating” positions to a newly created Schedule F category that removes the due process rights and civil service protections of employees in those positions.

Since the creation of the civil service system in 1883, administrations have established an excepted service schedule only five times. These excepted service categories are created for positions that require unique hiring or operating rules, like for positions of a short-term political nature or positions in remote areas or where there’s a critical hiring need so great that competitive civil service rules cannot apply. In these cases, individuals hired into positions classified in the excepted service are not vested with certain civil service appeal rights because they have not undergone the required competitive hiring process.

This executive order, which marks the sixth time a new excepted service schedule was created, undoes 137 years of merit system practices and gives the President the ability to hire political allies and fire qualified experts. Our federal workforce is comprised of roughly 2 million federal employees hired on the basis of their acumen, and they work each day for the American people — serving in myriad capacities to improve this nation and America’s posture abroad. These impartial civil servants research vaccines, help families in the wake of hurricanes and deadly fires, and inspect our food to ensure they are free of disease.

The **Preventing a Patronage System Act** would prevent this and future administrations from gutting merit system principles by:

1. Preventing any position in the competitive service from being reclassified to an excepted service schedule that was created after September 30, 2020;
2. Limiting federal employee reclassifications to the five excepted service schedules in use prior to fiscal year 2021;
3. Blocking any reclassifications of federal employees to Schedule F; and
4. Freezing the rules and guidance that define excepted service schedules to be interpreted as they were on September 30, 2020.