



# MERIT ACT: REGULATORY AGENCY REFORM

H.R. 559 - MODERN EMPLOYMENT REFORM, IMPROVEMENT, AND TRANSFORMATION (MERIT) ACT

## WHY REFORM IS NEEDED

Firing bad civil service employees is close to impossible nowadays. From start to finish, it can take federal agency management more than **one year** to dismiss a poor performing employee and work to replace them. While people are working hard to earn their paychecks on merit, many civil servants are simply tolerated due to a broken system that makes firing too tedious to pursue.

## A CASE FOR REFORM

### MERIT CASE STUDY

#### MERIT Act, H.R. 559

**Who:** Employee at the Dept. of Housing & Urban Development in the Grants Management section of HUD's public and Indian housing office

**What:** Spent the working day (on the federal dime) conducting illegal real estate business with his HUD email - receiving back-door cash payments from property owners

**Why:** Remained on the job five years after prosecutors reported illegal activities to HUD officials

Less than 0.6% of HUD employees fired that same year

Source: <http://www.washingtontimes.com/news/2014/may/13/federal-workers-hold-on-to-jobs-despite-blattant-mi/>

To fire an employee, current civil service laws require a manager to perform a multitude of requirements including conducting performance observations, holding counseling and feedback sessions, and creating Performance Improvement Plans prior to even being able to notify an employee of proposed removal. Once officially removed, an employee may then appeal the manager's action to an oversight board that, on average, takes nearly a year to issue a decision.

## SOLUTION

Civil service employee dismissal should be modeled after the private sector. To ensure the highest performing federal workers are in place to serve the public, Congress must:

- Increase agency management's power to remove under-performing employees
- Expedite timelines - give employees 7 - 21 days' notice of action
- Retain employees' right to appeal and cap appeal decision time at 30 days
- Uphold whistleblower protections