



U.S. REPRESENTATIVE
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PROUDLY SERVING GEORGIA'S 11TH DISTRICT

H.R. 3348 – Modern Employment Reform, Improvement, and
Transformation (MERIT) Act

The federal workforce is burdened by an outdated civil service system which has failed to keep pace with changing workforce needs. The MERIT Act seeks to revitalize the civil service system by addressing deficiencies in the Civil Service Reform Act of 1978.

Addressing misconduct and poor performance: H.R. 3348 repeals the special process for taking action against poor performers, which is unnecessarily time-consuming, and streamlines the process for removal or suspension of poor performers and bad actors. H.R. 3348 also permits agencies to remove a senior executive from the civil service for performance reasons, rather than merely demoting the individual to a non-Senior Executive Service (SES) position.

Union grievances: H.R. 3348 addresses concerns about arbitrators overruling Merit Systems Protection Board (MSPB) precedent by prohibiting grievances based on adverse personnel actions. Employees will be able to appeal these actions exclusively to the MSPB.

Furlough due process and appeal rights: H.R. 3348 addresses issues that arose during the 2013 government shutdown. It prohibits appeals to MSPB based on short-term furloughs, consistent with current short-term suspension rules. It also prohibits appeals of furloughs resulting from a lapse of appropriations. It authorizes the Office of Personnel Management to reduce the procedural burden on agencies when taking furlough actions, particularly those resulting from budgetary constraints.

Felonious service: H.R. 3348 affects the retirement benefits of employees who are removed based on a felony conviction based on actions taken in furtherance of official duties. The period of service during which the felonious activities occurred will be eliminated for purposes of any annuity computation.

Recoupment of bonuses and awards: H.R. 3348 authorizes agencies to order repayment of bonuses and awards when performance or conduct issues are discovered and it is determined the bonus or award would not have been paid had these issues been known at the time.

Extension of probationary periods: H.R. 3348 ensures adequate time to evaluate a new employee to determine whether he or she should be retained by extending the probationary period for competitive service appointments and SES members from one year to two years.

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