

August 21, 2014

The Honorable Katherine Archuleta
Director
U.S. Office of Personnel Management
1900 E Street NW
Washington, DC 20415

Dear Director Archuleta:

As you know, the Civilian Service Recognition Act – colloquially known as “Flags for the Fallen” – rectified a longstanding oversight in honoring federal employees killed in the line of duty by allowing agencies to make a simple gesture recognizing their sacrifice on behalf of their country through the presentation of a flag to the next of kin. The undersigned organizations were part of a larger coalition of federal employee organizations that came together in 2011 to work with Congress to secure passage of the legislation.

Over the past year we have continued to inquire about the status of the regulations and when we might expect the final rule. Steve Shih, OPM Deputy Associate Director for Senior Executive Services and Performance Management, briefed us this week, indicating that the regulations have cleared procedural hurdles and we see no reason why the Office of Personnel Management (OPM) should not release them immediately.

Because our organizations feel strongly that federal employees killed in the line of duty deserve this recognition, we are extremely disappointed that almost three years since the passage of the bill we are still awaiting the release of final regulations. During this time, over 20 civilian employees have given their lives in service to their country. Federal agencies should be recognizing their sacrifice and it is disheartening that OPM has not led an effort to do so.

While we understand that agencies have the authority to provide flags as granted by the 2011 law (and OPM originally released such guidance), it is unclear if agencies are using their authority to do so. Release of the final regulations would give agencies another push to begin making the offer of a flag to next of kin a practice, not an exception.

Finally, we are dismayed that the final regulations have not taken into account our concerns that agencies can still choose to require the next of kin to request a flag – an unreasonable requirement for grieving families or loved ones who will likely be unaware of their right to do so. Ensuring that agencies reach out and offer this honor is the least OPM can do to honor fallen federal employees, and it is unfathomable to us why this is not being required of them.

We urge you to release the final regulations immediately and we look forward to working with OPM to ensure that agencies are aware of this authority and appropriately honoring fallen employees.

Sincerely,



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