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September 15, 2014

Dear Representative:

On Tuesday you will be asked to consider H.R. 5169, the Senior Executive Service (SES) Accountability Act. The Senior Executives Association (SEA) urges you to vote no.

While on its face this may seem like reasonable legislation, it is, in fact, a troubling attempt to keep chipping away at laws that protect the federal workforce from becoming a politicized patronage system. This bill is one of several that have been proposed over the past several months that push the federal workforce closer to “at-will” status. Aside from questions of due process and the constitutionality of “at-will” employment, there are provisions in H.R. 5169 that raise similar concerns of whether they are constitutionally valid. Such changes to the SES system are a slippery slope to expansion to the rest of the federal workforce.

Another troubling aspect of this legislation is that it is aimed at one person who is no longer a federal employee – Lois Lerner. While it is absolutely necessary to ensure all federal employees are held accountable, it is not good public policy to make wholesale changes to laws based on the alleged actions of one person.

Despite a few high profile cases in which Senior Executives have allegedly engaged in misconduct (of which none has yet been found guilty, though, if and when they are, they should be fired), the vast number of Senior Executives that serve in the government are not only doing their jobs and ensuring that government works, but doing them well and saving taxpayer millions of dollars. These are the untold stories that have been buried under the media attention to a small number of cases; they point to a system where the need for accountability strengthening measures may not be as necessary as you are being led to believe.

SEA fully supports holding employees at all levels of government accountable and it may be that there are reforms needed. However, any attempts to reform the SES system or the civil service as a whole should be comprehensive, should strengthen the federal workforce, ensuring the efficiency and effectiveness of government operations, and should provide an opportunity for stakeholder input.

H.R. 5169 is yet another example of legislation that was introduced and marked up within 24 hours – scant time for input or deliberation. At the markup several concerns were raised about the necessity of the bill as a whole and the constitutionality of certain sections.

Laws already exist to allow agencies to hold employees accountable – supervisors at all levels need to understand the policies and have the will to use them and political leadership needs to support their doing so. Nonetheless, SEA welcomes the opportunity to engage in a serious attempt at identifying what accountability policies work, which do not and whether problems arise from the policies themselves versus implementation. Such a review can identify where statutory reform is, in fact, required.

SEA understands the desire to hold employees accountable and protect taxpayer dollars. Trying to do so through unnecessary – or worse, unconstitutional – policy changes is not the answer. SEA urges you to vote NO on H.R. 5169.

Sincerely,

A handwritten signature in cursive script that reads "Carol A. Bonosaro".

CAROL A. BONOSARO
President