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July 23, 2013

The Honorable Darrell Issa
Chairman
Committee on Oversight & Government Reform
2157 Rayburn House Office Building
Washington, DC 20515

The Honorable Elijah Cummings
Ranking Member
Committee on Oversight & Government Reform
2471 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Issa and Ranking Member Cummings:

The Senior Executives Association (SEA) represents the interests of career federal executives in the Senior Executive Service (SES), and those in Senior Level (SL), Scientific and Professional (ST), and equivalent positions. On behalf of SEA's members, we urge you to oppose H.R. 2579 – the Government Employee Accountability Act – which would significantly alter the basis and process for what is commonly called administrative leave and for the SES removal process.

The American justice system is predicated on the presumption of innocence until proven guilty. H.R. 2579 turns this premise on its head. It would not only allow agencies to place career Senior Executives on unpaid "investigative leave," but it would provide an opportunity to politicize the federal career leadership corps by allowing agency heads to unilaterally remove Senior Executives without any appeal.

The career civil service was created to ensure that it is non-partisan, free from political influence and free from the corruption that plagues many other nations. To ensure fair treatment of employees and to preserve the integrity of the civil service, protections were put in place to provide due process for federal employees and provide a barrier to undue political influence so that federal employees can fairly carry out the laws passed by Congress without fear of political retribution.

H.R. 2579 would change the apolitical nature of the career SES. The vague reasons allowing an agency head to remove Senior Executives would place them at the whims of political appointees. The unfortunate reality of the past few years is that the rhetoric surrounding federal employees is largely driven by optics rather than the policy needs of the government and the American people. SEA is concerned that this bill would allow Senior Executives to be subjected to a trial by media that pressures political appointees to remove them. The career SES would turn into a politicized body that bends with the political winds, rather than serving the American people free from political influence.

This legislation is also duplicative and unnecessary. When federal employees engage in inappropriate behavior, there is already a system in place to hold them accountable. Current law (5 U.S.C. §7543) allows agencies to take action against Senior Executives for misconduct, neglect of duty, malfeasance, or failure to accept a reassignment or transfer of function. If an employee is suspected of criminal activity he or she can be placed on indefinite suspension without pay. SEA firmly believes that problem employees should be dealt with. It is our experience that agencies already have the tools to do so, and that they use them. To the extent that outside observers may not be aware of formal personnel actions, it is because such information is subject to the Privacy Act and is not publicly revealed.

SEA understands the optics that led to the introduction of H.R. 2579. However, we do not believe that this bill is necessary or serves the intended goal of strengthening the workforce and dealing with problem employees.

The attached information sheet lays out specific concerns with the legislative language. SEA looks forward to working with the Members of the Committee to strengthen the current accountability system, rather than adding duplicative, unnecessary and harmful new provisions.

We urge you to oppose H.R. 2579 to ensure that Senior Executives receive fair treatment with the presumption of innocence until otherwise proven guilty.

Sincerely,



CAROL A. BONOSARO
President



WILLIAM L. BRANSFORD
General Counsel

CC: Members of the House Oversight & Government Reform Committee