To provide that all Federal employees in the executive branch of Government are at-will employees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. Roy introduced the following bill; which was referred to the Committee on ______________________

A BILL

To provide that all Federal employees in the executive branch of Government are at-will employees, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Public Service Reform Act”.

SEC. 2. AT-WILL EMPLOYMENT FOR FEDERAL EXECUTIVE BRANCH EMPLOYEES.

(a) At-will Employment.—
(1) In general.—Notwithstanding any other provision of law, rule, or regulation, and except as provided in paragraph (2), any employee in the executive branch of Government shall be considered at-will, and—

(A) may be subject to any adverse personnel action (up to and including removal) for good cause, bad cause, or no cause at all; and

(B) may not challenge or otherwise appeal such an action except as provided in subsection (b).

(2) Limitation.—

(A) In general.—An employee may not be subject to any adverse personnel action under this Act for any reason prohibited section 2302(b) of title 5, United States Code.

(B) Procedures.—The President shall establish procedures to enforce compliance with paragraph (1), including providing for disciplinary measures against any employee who violates such paragraph. Nothing in this subparagraph shall be construed to grant an employee the right to review or appeal an adverse personnel action outside such procedures.
(b) **Removal of Career Employees.**—With respect to the removal of a career employee, the following procedures shall apply:

1. Before an agency removes the employee, the agency official authorized to propose such action (in this subsection referred to as the “proposing official”) shall provide the employee with written notification of the proposed removal and the reasons therefore. The employee shall have 14 days to provide a written response, except that the agency head or designee shall have sole and exclusive discretion to alter the response period on a case-by-case basis.

2. Under procedures prescribed by the agency head, in the head’s sole and exclusive discretion, an agency official other than the proposing official (in this subsection referred to as the “deciding official”) shall decide whether to remove or retain such career employee. The deciding official shall review the proposed removal and employee response under paragraph (1), and may, in their sole and exclusive discretion, conduct a hearing on the matter. After such review or hearing (as the case may be), the deciding official shall determine whether the employee shall be removed.
(3) The deciding official’s determination under paragraph (2) shall be the agency’s final decision unless, within the 7-day period following such determination, the agency head or designee reverses the decision, in which case the agency head’s or designee’s decision shall be the final agency decision.

(4) An agency’s final decision under paragraph (3) shall be final and not subject to any appeal or challenge, unless the President overrules the agency’s final decision.

c) APPLICATION.—Chapter 43 of title 5, United States Code, shall not apply to any personnel action taken with respect to an employee under this Act.

d) ABOLISHMENT OF MSPB.—On the date of enactment of this Act, the Merit Systems Protection Board is hereby abolished. The Chairman of the Board may take such actions as are necessary to dispose of the assets, obligations, and liabilities of the Board.

e) TECHNICAL AND CONFORMING AMENDMENTS.—

   (1) REPEAL.—The following provisions of title 5, United States Code, are hereby repealed:

   (A) Subchapter I of chapter 12.

   (B) Section 1212(e).
(C) Subsections (b)(1), (b)(2)(B) through (D), (b)(3), (b)(4), (e), (g), and (i) of section 1214.

(D) Sections 1215 and 1221.

(E) Section 4303.

(F) Chapter 75.

(G) Chapter 77.

(2) OTHER AMENDMENTS.—Chapter 71 of title 5, United States Code, is amended—

(A) in section 7103(a)(14), by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following:

“(B) relating to adverse personnel actions, as provided by the Public Service Reform Act;”;

and

(B) in section 7121(c), by amending paragraph (3) to read as follows:

“(3) any adverse personnel action under the Public Service Reform Act;”.

(f) WHISTLEBLOWER PROTECTIONS.—

(1) IN GENERAL.—Within the 14 day period described in subsection (b)(1), the Office of Special Counsel may make a recommendation to the agency head or deciding official on whether an adverse per-
sonnel action taken against an individual was in retali- 

tion for making a whistleblowing disclosure.

(2) APPEAL.—An individual subject to an ad-

verse personnel action who claims such action was 
taken in retaliation described in section 2302(b)(8) 
or (b)(9) of title 5, United States Code, may appeal 
such action to the United States court of appeals in 
the circuit in which the duty station of the individual 
is located.

(3) DECISION.—

(A) If such court is finds that the individ-

ual’s appeal under paragraph (2) is in bad faith 
or frivolous, the individual’s annuity under 
chapter 83 or 84 of such title shall be reduced 
by 25 percent.

(B) If the individual prevails under an ap-

peal under paragraph (2), the individual shall— 

(i) be placed, as nearly as possible, in 
the position the individual would have been 
in had the adverse personnel action not oc-
curred; and 

(ii) be reimbursed for attorney’s fees, 
back pay, and related benefits, medical 
costs incurred, travel expenses, any other 
reasonable and foreseeable consequential
damages, and compensatory damages (including interest, reasonable expert witness fees, and costs).

(g) EEOC APPEALS.—Notwithstanding any other provision of law, including section 717 of the Civil Rights Act of 1964, an individual who is an employee or applicant to be an employee and who alleges that the individual was subject to an adverse personnel action that is a prohibited personnel action described in section 2302(b)(1) of title 5, United States Code, shall seek relief for such action from the Equal Employment Opportunity Commission as if such individual was an employee of an employer (as that term is defined in section 701 of such Act).

(h) DEFINITIONS.—In this Act—

(1) the term “adverse personnel action” means a removal, a suspension for more than 14 days, a reduction in grade or a reduction in pay, and a furlough of 30 days or less;

(2) the term “career employee” means any employee who is not a political employee;

(3) the term “employee” has the meaning given that term in section 2105 of title 5, United States Code, and includes—
(A) an officer or employee of the United States Postal Service or the Postal Regulatory Commission; and

(B) notwithstanding subsection (b) of section 7425 of title 38, United States Code, any employee described under subsection (a) of such section; and

(4) the term “political employee” means any employee who is—

(A) appointed by the President;

(B) a noncareer appointee (as that term is defined in section 3132(a)(7) of title 5, United States Code) in the Senior Executive Service;

(C) occupying a position under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations; or

(D) in any other civil service (as that term is defined in section 2101 of title 5, United States Code) position classified as a political position after the date of enactment of this Act under regulations as the Director of the Office of Personnel Management may prescribe.