

**AMENDED COMPLAINT ON BEHALF OF TERMINATED PROBATIONARY EMPLOYEES**

Complainants with and through counsel, Alden Law Group, PLLC and Democracy Forward Foundation, incorporate by reference our February 14, 2025, complaint, under OSC File No. MA-25-001448, and amend to include additional named complainants who file on their own behalf as well as all others similarly situated at their respective Agencies and include supplemental evidence, below. The Administration's mass summary terminations of probationary employees continues across almost every executive branch agency without regard to the individuals' performance in violation of law, regulation, and multiple merit systems principles.

Until the Administration, acting through the Office of Personnel Management, ceases directing agencies to terminate all probationary employees in unlawful ways, we expect the toll of these violations to mount as countless employees lose their jobs, at great cost to the federal government and taxpayers. These terminations not only endanger the personal well-being of each individual and their families but place the public safety and the orderly functioning of the government in peril. We will proceed with efforts to build and certify appropriate classes of employees impacted by these actions.

**A. Supplemental Evidence Demonstrates Governmentwide Prohibited Personnel Practices**

Data we have compiled from over 2,000 terminated probationary employees, including termination letters and affidavits from representative employees, reflects a clear pattern – agencies, acting at OPM's direction, are committing widespread prohibited personnel practices.

Each agency identified to date in this matter has followed the same process for terminating probationary employees and relied upon the same justifications and citations for their conduct.<sup>1</sup> At each agency, terminated employees report that contrary to long-standing practices,<sup>2</sup> their supervisors and managers had little to no knowledge of their terminations in advance and in most cases, plead for the agency to retain these employees. These employees universally received accolades for performance, promotions, and awards within as little as two weeks prior to their terminations.

While many of the termination letters broadly allege that terminations were due to individual performance, this justification is pretextual because: (a) employees received performance awards or accolades in the two months to weeks prior to their terminations; (b) supervisors and agency leadership plead to retain these terminated employees; (c) supervisors were not consulted about performance or retention prior to the termination decision; and (d) hundreds

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<sup>1</sup> See Index of Termination Letters, attached (comparing letters); Sample Termination Letters from Additional Agencies, Attached.

<sup>2</sup> See Sample 2024 Letters, attached.

of employees across numerous branches, divisions, and components were terminated at the same time, via communications sent from often a single individual, and via mass mail merges.

Some agencies have completely abandoned the pretext of performance and have blankly admitted that the terminations were: (a) at OPM's guidance and direction; (b) pursuant to recent Executive Orders mandating a DOGE-led reduction in force; and (c) designed solely to reduce staffing.

**B. Evidence Confirms that Cabinet Level Agencies Uniformly Terminated Employees Across Multiple Divisions and Sub-Agencies.**

A review of termination letters confirms that agencies terminated employees in the competitive and excepted service via the same processes and letters across organizational lines. Accordingly, complainants proffer that the named complainant from each of the below agencies represent all probationary employees terminated during the same period at their respective agencies.

1. Original OSC Filing ("Round 1 Complainants")

With respect to the six initial represented agencies, Complainants have reviewed multiple letters and can confirm that identical letters were issued throughout components of the following agencies:

- 1) U.S. Department of Education
- 2) U.S. Department of Energy
- 3) U.S. Department of Housing and Urban Development
- 4) U.S. Office of Personnel Management
- 5) U.S. Department of Agriculture, Rural Development
  - b) The letter issued to the complainant from USDA, Rural Development, is identical to the termination notice received by employees across all USDA subcomponents (see below). An examination reflects that the only differences are mail merged fields and letterhead (e.g., name, titles, excepted/competitive service, signing authority).
  - b) USDA's eight mission areas, each of which are subdivided into at least one or more agencies, all utilized the same form letter:
    - Farm Production and Conservation (FPAC), including FPAC Business Center, Natural Resources Conservation Service (NRCS), Risk Management Agency (RMA), and Farm Service Agency (FSA).
    - Food, Nutrition, and Consumer Services (FNCS): Food and Nutrition Service (FNS)
    - Food Safety (FS): Food Safety and Inspection Service (FSIS).
    - Marketing and Regulatory Programs (MRP): including Agricultural Marketing Service (AMS); Animal and Plant Health Inspection Service (APHIS).
    - Forest Service (FS).
    - Research, Education, and Economics (REE), including: National Agricultural Statistics Service (NASS); National Institute of Food and Agriculture (NIFA); Agricultural Research Service (ARS); and Economic Research Service (ERS).

- Rural Development (RD), which includes: [Rural Utilities Service \(RUS\)](#), [Rural Housing Service \(RHS\)](#), and [Rural Business-Cooperative Service \(RBS\)](#).
- [Foreign Agricultural Service \(FAS\)](#)

6) U.S. Department of Veterans Affairs – the same notification was utilized across all VA components.

2. Supplement 1 to OSC Complaint (“Round 2 Complainants)

Round 2 complainants received their notices of termination in a manner identical to other probationary employees across their respective agencies, to include both subcomponents and other operational bureaus/organizations.

7) AmeriCorps – All the terminated AmeriCorps probationary employees were issued identical notices directly from the Chief Human Capital Officer. Notably, the AmeriCorps termination letter explicitly relies upon the February 11, 2025, Executive Order requiring RIFs in effecting the termination of probationers. See E.S. Aff.; Index of Letters:

An employee’s performance must be measured in light of the existing needs and interests of government... *An employee’s performance must be viewed through the current needs and best interest of the government, in light of the President’s directive to dramatically reduce the size of the federal workforce.*<sup>10</sup> [10 - Exec. Order No. 14210, Implementing the President’s “Department of Government Efficiency” Workforce Optimization Initiative, 90 FR 9669 (Feb. 11, 2025)

8) U.S. Department of Homeland Security – Complainants have reviewed approximately notices of termination from the following DHS entities: Cybersecurity & Infrastructure Security Agency (CISA), FEMA, Science and Technology Directorate, US Customs Immigration and Service (USCIS). The justifications provided for the termination are essentially identical, as are the letters across each entity. In support, please see attached affidavits and termination notices for employees from CISA and FEMA.

9) U.S. Department of Interior – Complainants have reviewed notices of termination from over 300 employees across almost every single Department of Interior Bureau and Agency.<sup>[1]</sup> All terminated probationary employees from the below entities were issued termination notices that were identical in substance, with the only differences being the letterhead and signature; all were populated via mail merge.

- [Bureau of Indian Affairs](#)
- [Bureau of Indian Education](#)
- [Bureau of Land Management](#)
- [Bureau of Ocean Energy Management](#)
- [Bureau of Reclamation](#)
- [Bureau of Safety and Environmental Enforcement](#)
- [Bureau of Trust Funds Administration](#)

- [Indian Arts and Crafts Board](#)<sup>3</sup>
- [National Park Service](#)
- [Office of Surface Mining Reclamation and Enforcement](#)
- [U.S. Fish and Wildlife Service](#)
- [U.S. Geological Survey](#)
- [Office of the Secretary](#)
- [Office of Policy, Management & Budget](#)
- [Office of Insular Affairs](#)
- [Office of the Solicitor](#)
- [Office of Inspector General](#)<sup>4</sup>

10) [U.S. Environmental Protection Agency](#)

11) [Export-Import Bank](#)

12) [Federal Mediation and Conciliation Service](#)

13) [General Services Administration](#)

14) [U.S. Department of Health and Human Services](#)

Complainants have reviewed over 700 probationary termination letters from across HHS Primary Operating Divisions. The nine primary operating divisions are:<sup>5</sup>

- [Administration for Children and Families \(ACF\)](#)
- [Administration for Community Living \(ACL\)](#)
- [Agency for Healthcare Research and Quality \(AHRQ\)](#)
- [Agency for Toxic Substances and Disease Registry \(ATSDR\)](#)
- [Centers for Disease Control and Prevention \(CDC\)](#)
- [Centers for Medicare & Medicaid Services \(CMS\)](#)
- [Food and Drug Administration \(FDA\)](#)
- [Health Resources and Services Administration \(HRSA\)](#)
- [Indian Health Service \(IHS\)](#)<sup>6</sup>
- [National Institutes of Health \(NIH\)](#)
- [Substance Abuse and Mental Health Services Administration \(SAMHSA\)](#)

Every single probationary termination letter across all HHS components is issued by Jeffery Anoka, Acting Chief Human Capital Officer, and utilizes the same template, so that

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<sup>3</sup> Complainants do not yet have data from: [Indian Arts and Crafts Board](#), [Office of Insular Affairs](#), [Office of Policy, Management & Budget](#).

<sup>4</sup> DOI's OIG issued a different letter than the other offices, stating simply that "Upon consideration of recent and significant changes in priorities and anticipated fluctuations in funding levels, the OIG is terminating your appointment." See Sample Letters and Index of Letters, attached.

<sup>5</sup> See CRS Report: FY2025 HHS Budget Request at <https://crsreports.congress.gov/product/pdf/R/R48060/1>.

<sup>6</sup> Complainants have not yet reviewed data from the Indian Health Service.

they are identical in form and content, with the only difference being the mail merge fields (e.g, employee name, position, office, etc.). See Ex. XX (HHS Comparison Letters).

15) Institute of Museum and Library Services

16) Internal Revenue Service

17) National Archives and Records Administration

18) National Science Foundation

19) Surface Transportation Board

A chart identifying the sixteen second round complainants is attached.

## CONCLUSION

The allegations and violations, as incorporated by reference from our February 14, 2025, submission, and as amended in this document, are clear, indisputable, and warrant a stay. As Complainants learn more, they will consider amending further to add more individuals, allegations, and violations. Undersigned counsel intends submitting additional supplemental complainants, to include Complainants from Department of Labor and the Department of Transportation.

We offer whatever help and assistance that may expedite the filing of a petition for stay and investigation of the instant complaints. If you have any questions or concerns, please do not hesitate to contact us.

Very truly yours,



Michelle F. Bercovici  
[mbercovici@aldenlg.com](mailto:mbercovici@aldenlg.com)

Victoria Nugent  
Michael C. Martinez  
Skye L. Perryman  
DEMOCRACY FORWARD FOUNDATION  
[vnugent@democracyforward.org](mailto:vnugent@democracyforward.org)  
[mmartinez@democracyforward.org](mailto:mmartinez@democracyforward.org)  
[sperryman@democracyforward.org](mailto:sperryman@democracyforward.org)