ode: 6325-39

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 412, 432, 715, and 752

[Docket ID: 2025-OPM-0012]

RIN: 3206-AO91

Promoting Employee Accountability

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking; reopening public comment period.

SUMMARY: OPM is reopening the public comment period for additional comments on OPM data and a new report published by a nongovernmental organization. OPM is releasing current data that is relevant to the proposed rule published on July 2, 2026, entitled “Promoting Employee Accountability.” OPM is also interested in receiving public comment on a report published by We the Doers published on August 27, 2026. Accordingly, OPM is reopening the rulemaking for public comment specifically with respect to the proposed rule as informed by the newly released data and the report. The comment period for the proposed rule closed August 3, 2026; it is now reopened for two weeks.

DATES: The comment period for the proposed rule published on July 2, 2026 (91 FR 40444) is reopened. Comments must be received on or before [INSERT DATE 14 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES:

You may submit comments for this proposed rulemaking through the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: OPM will only consider comments and material received during the reopened comment period that address the data published in the supplementary information. All comments will be docketed in the OPM docket for this rulemaking. All comments must be received by the end of reopened comment period for them to be considered by OPM and MSPB. All comments and other submissions received generally will be posted on the internet at *https://regulations.gov* as they are received, without change, including any personal information provided. However, OPM retains discretion to redact personal or sensitive information, including but not limited to, personal or sensitive information pertaining to third parties.

As required by 5 U.S.C. 553(b)(4), a summary of this rule may be found in the docket for this rulemaking at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Aaron Gottesman, Senior Advisor to the Director, by email at employeeaccountability@opm.gov or by phone at (202) 606-2930.

SUPPLEMENTARY INFORMATION:

On July 2, 2026, the Office of Personnel Management (OPM) and Merit Systems Protection Board (MSPB) published a joint proposed rule governing performance-based reduction in grade and removal actions, non-disciplinary separations, and adverse actions, along with the MSPB's review of those actions, and proposing improved and additional training to supervisors.

In this notice, OPM is announcing the availability of the most current, relevant data on the types of adverse and performance-based actions addressed by the proposed rule amending 5 CFR parts 412, 432, and 752. Neither OPM nor MSPB referred to this data to support proposed changes to 5 CFR parts 715 and 1201. The data shows that despite President Trump's significant changes to how Federal agencies address poor performance and misconduct, the Federal Government has not seen significant increases in performance-based and adverse actions in Fiscal Year 2026. Namely, the number and types of actions taken in Fiscal Year 2026 appear to be consistent with Fiscal Year 2025 levels. While there are undoubtedly a variety of factors that may have an impact on these actions in Fiscal Year 2026 (e.g., resignations under the deferred resignation program, reductions in force, retirements, voluntary separations), there is no doubt that Presidential policy shifted workplace culture across Government towards one that recognizes high performance and greater accountability. OPM views this data as support for making structural changes necessary to appropriately incentivize supervisors to take necessary action to address poor performance and misconduct.

Separations and Terminations Data

OPM is providing data from its Enterprise Human Resources Integration (EHRI)[1] on separations and terminations taken under regulations impacted by the proposed rule. Specifically, OPM gathered data reported by Federal agencies documenting separation and termination actions taken under 5 CFR part 432 and subparts A, B, D, and F of part 752, between Fiscal Years (FYs) 2019-2025 and includes data from FY 2026 through June 2026.

OPM only analyzed agency actions documented in accordance with Chapter 31 of the Guide to Processing Personnel Actions (GPPA)[2]. Agency actions are coded with specific Nature of Action Codes (NOACs) and Legal Authority Codes (LACs) on Standard Forms 50 and 52, as instructed by Chapters 1, 3, and 4 of the GPPA[3], and stored in employees' Official Personnel Folder. The specific personnel actions covered by the proposed rule are described in detail under Chapter 31.

Relevant to OPM's analysis discussed in the proposed rulemaking are those actions coded by the following NOACs and LACs[4] with agency-reported data:

- NOAC 330 with the following LACs: LTM, LUM, QGM, V5J, V6J, V9A, VAJ, and VWP.
- NOAC 357 with the following LACs: A3M and VAA.

OPM also included as part of its analysis personnel actions coded using NOAC 330 with LAC ZLM. OPM acknowledges that agency-reported actions using the combination of this NOAC and LAC may or may not fall within the scope of the proposed rule. Thus, OPM is

---

[1] More information about EHRI is available on OPM's website: https://www.opm.gov/policy-data-oversight/data-analysis-documentation/enterprise-human-resources-integration/.

[2] https://www.opm.gov/policy-data-oversight/data-analysis-documentation/personnel-documentation/#url=Personnel-Actions.

[3] Id.

[4] Chapter 31 of the Guide to Processing Personnel Actions defines the NOACs and LACs. https://www.opm.gov/policy-data-oversight/data-analysis-documentation/personnel-documentation/processing-personnel-actions/guide_to_processing_personnel_actions.pdf#Chapter_31.

providing a chart (see below) that reports data for those actions coded with NOAC 330 and LAC ZLMseparate from the other NOACs and LACs identified to provide the public with an opportunity to view and analyze the data with or without this data.

The data provided covers all Federal civilian workforce data reported by Executive branch agencies with the exception of the following: U.S. Postal Service, Postal Rate Commission, Central Intelligence Agency, National Security Agency, Defense Intelligence Agency, National Geospatial-Intelligence Agency, Office of the Director of National Intelligence, White House Office, Official Residence of the Vice President, Office of the Vice President, Census Bureau temporary workers, Foreign service personnel at the Department of State, Tennessee Valley Authority, Federal Reserve - Board of Governors (the Consumer Financial Protection Bureau is included in EHRI as an agency subelement of the Federal Reserve), Public Health Service Commissioned Officer Corps, Non-appropriated fund employees, Foreign nationals overseas, Executive Residence, and President's Intelligence Advisory Board.

Separations and Terminations (FY 2019-2026)

	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26*	Grand Total
NOAC 330	**2,838**	**2,577**	**2,434**	**2,842**	**3,008**	**3,119**	**4,154**	**3,571**	**24,543**
LTM	2	22	7	9	9	4	3	1	57
LUM	0	4	4	0	4	5	1	7	25
QGM	182	195	226	208	164	228	261	249	1,713
V5J	27	16	11	28	15	17	16	18	148
V6J	1,714	1,455	1,327	1,680	1,766	1,880	2,533	2,245	14,600
V9A	24	21	16	12	7	6	36	40	162
VAJ	223	218	265	325	321	282	299	243	2,176
VWP	275	255	242	254	293	304	337	301	2,261
ZLM	391	391	336	326	429	393	668	467	3,401
NOAC 357	**4**	**3**	**0**	**1**	**7**	**6**	**6**	**1**	**28**
A3M	4	1	0	1	4	5	4	1	20
VAA	0	2	0	0	3	1	2	0	8
Total (no ZLM)	2,451	2,189	2,098	2,517	2,586	2,732	3,492	3,105	21,170
Total (with ZLM)	2,842	2,580	2,434	2,843	3,015	3,125	4,160	3,572	24,571

*Data through June 2026.

We the Doers

On August 27, 2026, the organization We the Doers published the report, "Fast but Fair Federal Firing: Balancing Speed and Due Process when Removing Employees for Cause."[5] The report highlights some of the flaws in holding Federal employees accountable for poor performance and misconduct. For one, the report finds that supervisors and managers are incentivized to leave poor performers on the job.[6] As OPM explained in the proposed rule, this is the type of flaw it is seeking to correct by reducing the burdens placed on supervisors in holding employees accountable. Because this report was published after the close of the public comment period, OPM is reopening the comment period to allow the public to submit comments on the rulemaking as informed by this report.

Comments

To provide time for interested parties to consider and comment on this data, OPM reopens the comment period from [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*] to [INSERT DATE 14 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]. OPM will only consider comments and material received during the reopened comment period that address the data published in the supplementary information. OPM will not consider late-filed comments.

Signing Statement

The Director of OPM, Scott Kupor, reviewed and approved this document and has authorized the undersigned to electronically sign and submit this document to the Office of the Federal Register for publication.

Office of Personnel Management.

---

[5] https://wethedoers.org/wp-content/uploads/2026/08/Fast_but_Fair_Federal_Firing_08272026.pdf

[6] Id. at 6.

Alexys Stanley,

Federal Register Liaison.

[FR Doc. 2026-18943 Filed: 9/14/2026 8:45 am; Publication Date: 9/15/2026]