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What Trump's hiring freeze means (and doesn't)

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When President Donald Trump announced a hiring freeze on federal jobs on Monday—one of his first actions as president—conservatives cheered, and Democrats and federal workers reacted with horror. Legislators on Capitol Hill called it a “knee-jerk decision” and a “mindless way to manage”; J. David Cox Sr., the head of the American Federation of Government Employees, declared that “all Americans should be outraged.”

How big a deal is it? Experts on the federal government point out that Trump's move, by itself, doesn't actually do much. “There's less there than meets the eye,” said Paul Light, a professor of public service at New York University. For one thing, the document—officially a presidential memorandum, not an executive order—includes large holes. It exempts all military personnel, which makes up over a third of total government employment. It also exempts jobs deemed “necessary to meet national security or public safety responsibilities,” without specifying what they are. And broadly speaking the president just doesn't have the power to make big changes in the federal work force. It's protected by civil service laws; the order won't curtail their benefits or make it easier for the government to fire workers. All those changes have to go through Congress.

Where the move matters is in its symbolic value: A signal to congressional Republicans that Trump is serious about reforming generations-old civil service laws, and tossing the ball firmly into their court.

If Trump actually goes to war with the federal workforce and cuts it down, he'll be managing a trick that has largely eluded earlier presidents. Ronald Reagan, too, imposed a hiring freeze on his first day in office. Jimmy Carter imposed three different hiring freezes during his presidency. But overall, the size of the federal workforce has barely budged over the past few decades, stuck at about 2 million people since the late 1960s, according to the Office of Personnel Management. (And counter to the Republican rhetoric about bloat, it's quite a bit smaller, relatively speaking: as the country has grown, the percentage of American workers employed by the federal government has fallen from 5 percent to 2 percent in the last 60 years.)

The order itself prohibits agencies from filling current vacancies, unless the job opening qualifies for an exemption. On the surface, that sounds like a challenge for government agencies. But the government, like the private sector, is capable of switching around job responsibilities to adapt to the freeze. And experts said that agencies will be able to broadly interpret the exemption for “necessary” employees, likely enabling them to fill many of those openings. “It's a lot of room,” said Elaine Kamarck, a senior fellow at the Brookings Institute who led an initiative in the

Clinton administration on “reinventing government,” trimming the number of federal workers to make the federal government more efficient.

Furthermore, the order does nothing to make it easier for the federal government to fire workers. Instead, it’s a strategy of downsizing through attrition. But agencies may hire more contractors to replace workers, a possibility that critics say will lead to higher costs. The memo explicitly states that agencies cannot circumvent the freeze through contracting, but there are ways for departments to work around that. “[Agencies will] change the description of the job, or they’ll change slightly what the contractors are supposed to do,” said Kamarck.

If the freeze is in effect for just a few weeks or months as Trump installs his own people throughout the government, the consequences will be minimal. If it stays in effect for years, however, it could start having negative consequences: Light points out it would discourage (or even prevent) younger Americans from taking federal jobs. And in a government that is rapidly aging—the average federal worker is around 50 years old—that’s a big problem. The older workforce may be both more expensive, as workers have been promoted over the years into higher pay categories, and less technologically advanced.

Where the order matters most is symbolically. “Trump wants to show that there is a new sheriff in town who wants to handle the federal workforce differently,” said Chris Edwards, a budget expert at the Cato Institute who is the editor of DownsizingGovernment.org. And there’s reason to believe this is the first skirmish of what the administration intends as a war against the federal bureaucracy. Trump’s memo, for instance, directs the head of the Office of Management and Budget—Trump’s nominee for the spot, Rep. Mick Mulvaney, is still waiting to be confirmed—to recommend a long-term plan within 90 days to “reduce the size of the Federal Government’s workforce through attrition.” Newt Gingrich, an informal Trump adviser, has called for making it much easier for the government to fire workers, asserting that federal workers are Democrats who will sabotage Trump’s cabinet. “There won’t be any real cooperation until we change federal law so we can fire them,” the former House speaker said recently.

Republicans in Congress are also eager to downsize federal agencies, both by cutting budgets and reducing staff sizes. Rep. Jason Chaffetz, the chairman of the House Oversight and Government Reform Committee, has used his perch to push for a smaller federal government, including a recent bill he introduced to locate federal agencies out of D.C. And just a few weeks ago, House Republicans quietly brought back an old rule that allows Congress to reduce the pay of an individual federal worker to \$1, a move that was roundly seen as an attack on the civil service.

For now, then, Trump’s hiring freeze doesn’t represent any substantive change. But when Mulvaney, if confirmed as the head of OMB, presents recommendations to the president to reform civil service laws, that’s when “it becomes meaningful,” said Kamarck. At that point, the action shifts to Congress. In that sense, Trump’s move is simply the first shot in a major battle over civil service reforms. And while that shot came from the White House, the real warfare will come on Capitol Hill. “If federal employees think the action is at 1600 Pennsylvania Avenue,” said Light, “they are deluding themselves.”