



October 12, 2021

**VIA FEDERAL eRULEMAKING PORTAL (<http://www.regulations.gov>)**

Office of Personnel Management  
1900 E Street, N.W.  
Washington, D.C. 20415

**RE: RIN 3206-AN86, Interim Rule on Hiring Authority for Post-Secondary Students**

Dear Sir or Madam:

The National Treasury Employees Union (NTEU) submits these comments in response to the Office of Personnel Management's (OPM) Interim Rule on Hiring Authority for Post-Secondary Students, 86 Fed. Reg. 46103 (Aug. 18, 2021). The rule will allow the hiring of interns without competition or posting of the openings on USAJobs. These interns can be then promoted or converted into permanent hires without further competition.

A competitive and merit-based civil service is the cornerstone of federal employment, and NTEU has strong concerns about any weakening of that system. NTEU is also concerned that this new hiring authority is clearly aimed at hiring a large number of younger interns (and then employees) and thus discriminates against older applicants who are less likely to be post-secondary students.

If the motivation behind the rule is the government's interest in improving recruitment to the federal civil service, the agency is missing the more obvious remedial action. OPM should advocate for, and Congress should enact, legislation providing for improved salaries—specifically, a 3.2% pay increase for next year so that federal jobs are competitive with the private sector.

NTEU supports section 316.914 of the rule which allows OPM to monitor the effectiveness of the program. Agencies will be required to submit reports in each of the first three years of the program to Congress and OPM, with data necessary for OPM to assess the "impact and effectiveness" of the program. Specifically, the reports must include the number of appointments, breakdown of minorities and veterans appointed, recruitment sources, and "any other data specified by" OPM. Such data is important because this rule would do away with veterans' preference, which will disadvantage veterans at a time when our country continues to have multi-year overseas commitments.

Although OPM cannot terminate the program, it is empowered to review this data and, if warranted, to tell agencies that they should recruit fewer students. Under section 316.913, “OPM may establish a lower percentage based on any factor OPM deems appropriate.” OPM may also request additional data from agencies under section 316.914(b). These tools can be an important way to ensure that agencies use this new authority wisely. We urge OPM to use this authority conscientiously to address and resolve any agency abuse of this new authority. In particular, OPM should gauge whether agencies are using this interim rule as a way to avoid veterans’ preference rules or to disguise nepotism. Agencies are required under this rule to adhere to merit system principles, and OPM should ensure that occurs.

We understand that one goal of the interim rule is to allow for more paid internships. This in turn might help diversify the pool of government interns who could not otherwise afford an unpaid internship. A diverse pool of interns, moreover, might positively affect hiring of underrepresented applicants. NTEU supports paid internships and a diverse workforce, but it urges OPM to continue to be mindful of the benefits of a competitive civil service.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony M. Reardon". The signature is fluid and cursive, with the first name being the most prominent.

Anthony M. Reardon  
National President