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Federal Workforce Reforms
in Trump's Second Term: two scenarios

Abstract

Five early proposals from the second Trump administration add up to a potentially dramatic shift of power within the executive branch of the federal government and between the executive and legislative branches. With help from conservative think tanks and the Republican-led Congress, the 2024 election has opened the door to an increasingly powerful US presidency and an ever-weaker constitutional order.

Keywords public administration, federal workforce, federal bureaucracy, federal civil service, Trump reforms, separation of powers, free and frank advice

This article examines the implications of the second Trump presidency for United States governance, with a focus on the future of the federal public service. What should we expect?

No single federal workforce action by the Trump team has attracted as much attention as the mass deportations of undocumented migrants, the tariffs and tariff threats, the commandeering of the US Treasury's payment system by political operatives, and the pardons granted to violent insurrectionists who stormed the US Capitol on 6 January 2021. Taken together, however, Trump's plans to remake the federal bureaucracy pose a threat to the constitutional balance of power. They bring significant combined potential to diminish not only the non-partisan core of the executive branch, but also, indirectly, the entire legislative branch.

Five policies

Trump and his proxies promised to 'dismantle the deep state' throughout the recent presidential campaign. By 'deep state' they mean an imagined horde of bureaucrats who conspire to abuse their authority and expropriate government resources to pursue their own personal agendas, which include spreading 'woke propaganda' and sabotaging Trump's agenda at every turn (Project 2025, 2023, p.9). The new rhetoric often includes accusations of widespread corruption in the federal workforce, which feed off Trump's vengeful disdain for career federal employees in the Department of Justice and several security agencies who participated in official investigations of

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wrongdoing in his campaigns, businesses and previous conduct in office.

Experts searching for evidence of a deep-state cabal in the federal bureaucracy have found deep knowledge, deep professional norms, deep understanding of what the law requires, and deep suspicion of arbitrary decision making by executives (Skowronek, Dearborn and King, 2021). They have found an administrative state thick with management layers, but decidedly not 'unified or singular' (Rosenbloom, 2022). Most of the time, federal workers are quietly operating programmes authorised and funded by Congress, eager not to run afoul of statutory law. Contrary to the deep-state narrative, it is notoriously difficult to organise cooperative initiatives across so-called departmental silos (Peters, 2018). Rather than being monolithic, this 'structurally and institutionally fragmented' federal government 'operates under a massive and varied legal regime framed by constitutional law, administrative law, and judicial decisions as well as presidential executive orders, memoranda, proclamations, and other directives' (Rosenbloom, 2022). Boring? Exasperating at times? Yes, certainly, but hardly a Leviathan.

Although the spectre of a deep state does not withstand scrutiny, most of the Trump proposals for administrative reform assume a nest of scheming, rogue bureaucrats who must be flushed out.

Reclassification of career civil servants

Trump throughout his recent campaign pledged to reinstate an executive order from the end of his first term that allows flexibility in hiring and firing individuals in a newly defined class of federal jobs. He followed through on this promise immediately after his inauguration.

Originally known as Schedule F and now as Schedule Policy/Career, the new class of positions is exempted from civil service and merit system rules that have long protected non-partisan positions from politicisation. Positions eligible for reclassification are characterised by 'policy-determining, policy-making, or policy-advocating' responsibilities because, according to the stated rationale, presidents should have more control over employees

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whose work shapes the direction of the president's policy. The order also focuses on jobs involving confidential information, which satisfies Trump's desire to prevent and punish the types of leaks he experienced in his first term.

Under the 2020 executive order's specification of policy-relevant roles, experts estimate that up to 50,000 of the nation's two million-plus federal civil service positions could be subject to reclassification. The 2025 version adds positions with 'duties that the Director otherwise indicates may be appropriate for inclusion in Schedule Policy/Career', which opens the door to many more possible reclassifications. At present, 4,000 political appointee positions are controlled by the White House.

Administrative leave

Upon taking office, Trump immediately ordered federal agencies to send home all workers in diversity, equity and inclusion

(DEI) roles, with paid leave. A plan for laying off those workers en masse is quickly developing.

Beyond DEI, an inauguration-day memo from Trump's new acting director of the federal personnel office encouraged agency heads to place on paid leave employees whose jobs might be eliminated once agencies decide how to streamline their operations. Two weeks later, Trump placed on administrative leave nearly the entire staff of the US Agency for International Development, including most of those working overseas, and closed the agency's Washington headquarters.

Broader lay-offs

Between the election and inauguration, Trump tasked the so-called Department of Government Efficiency (DOGE), an informal advisory body, with developing a plan to rescind large numbers of regulations and remove large numbers of 'unelected, unappointed civil servants within government agencies' who promulgate those regulations (Musk and Ramaswamy, 2024). Cutting regulations justifies cutting workers, according to this proposal's 'industrial logic', because fewer workers will be needed to enforce fewer regulations. The original DOGE plan included an assertion of broad presidential power over executive personnel to instate mass reductions in force (lay-offs) in allegedly overstaffed agencies (ibid.). Agency heads were instructed on inauguration day to identify recent hires who are within their one-year probationary periods. Those employees represent fat targets for lay-offs because they lack merit system appeal rights.

Another of Trump's inauguration-day executive orders established DOGE as an office within the Executive Office of the President and tasked it with modernising federal IT systems. Since then, DOGE operatives have focused on shutting down websites and seizing control of key databases, including personnel records and the federal government's central payment system.

Making federal employment
less attractive

Multiple proposals in the Trump orbit aim to encourage civil servants to resign

voluntarily, which takes pressure off lay-off plans. Among these are reductions in retirement payouts and mandatory increases in employee contributions to retirement and health-care insurance benefits, versions of which are now being considered by Republican members of Congress for inclusion in an upcoming bill (Wagner, 2025a).

One of President Trump's inauguration-day directives requires relevant categories of workers to return to in-person work full-time in their offices – a move expected to cause further resignations, which some welcome with enthusiasm: 'That's a good side effect of those policies', said billionaire Vivek Ramaswamy, one of the original DOGE leaders (quoted in Katz, 2024).

Impoundment of spending

The original DOGE plan (Musk and Ramaswamy, 2024) asserts that any president can decline to spend funds appropriated by Congress if they deem the spending wasteful or if the original authorisation for the relevant programme has expired. This hypothesised power depends on a novel reading of the laws surrounding federal spending.

Can he do it?

Commentators frequently refer to guard rails in the US system designed to prevent excessive concentration or abuse of power in any of the branches. Judicial decisions will largely determine the success of Trump's federal workforce policies. The country's capacity to mount court challenges will depend on the willingness and capacity of state-level attorneys general and civil society organisations to sue the federal government.

Constitutional guard rails

The authors of the Constitution famously created a system of dispersed authority consisting of the separation of powers doctrine, according to which the three branches of government operate independently while also checking and balancing each other; the two-chamber structure of the Congress (House and Senate); and federalism, described by the less well-known concept of a 'compound republic' in which sovereignty is distributed between the national and state governments

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according to the Constitution's delegation of powers, which includes the Tenth Amendment's reservation of non-delegated powers to the states and the people.

The Constitution enumerates the functions of the president in article II and, importantly, requires the president to 'take Care that the Laws be faithfully executed' (article II, section 3). These eight words, known as the 'take care clause', remind us that article I invests 'all legislative powers' with Congress; the president cannot make law. The ability of Congress to check the president relies on constitutional provisions for overriding a presidential veto, constitutional impeachment processes, and legislative oversight functions based on implied rather than enumerated powers under the Constitution. Application of these checks depends heavily on the willingness of Congress to investigate and challenge the

president's moves where needed. Sadly, when members of Congress place party loyalty over their constitutional obligations, and when the president's party commands majorities in the House and Senate, as the Republicans do now, we cannot rely on these checks. Things could change, however, if Trump's personal popularity sharply declines and members of his own party begin to distance themselves from him.

The courts represent a second constitutional guard rail. There isn't space here to discuss specific efforts to shore up the legal guard rails associated with each of the five policies, but one deserves mention. The Biden administration last year issued a final rule regarding 'involuntary movement of Federal employees and positions' between categories of employment, i.e., reclassification. Under that rule, such workers retain the legal protections associated with their original positions and can appeal their reclassification to the Merit Systems Protection Board, a three-member panel appointed by the president. Whether the Biden rule can slow or stop the roll-out of Trump's plan depends on how courts apply the Biden rule and decide the underlying issues. The 2025 executive order commences the process of rescinding and replacing the Biden rule, but this will take time. One prominent expert anticipates that should challenges to reclassification reach the Supreme Court, Trump likely would win the argument on constitutional grounds (Kettl, 2024).

The courts will be busy. A large and diverse array of civil society organisations immediately filed legal challenges against Trump's many inauguration-week executive orders, and more are planned. Trump surely will appeal any cases he loses, and some cases will undoubtedly reach the Supreme Court.

While judicial processes are guaranteed to slow the five policies, the direction of final court decisions is difficult to foresee. Trump's willingness to test all the boundaries of presidential power at once – flooding the zone – is unprecedented. Developments in judicial philosophy have been trending towards support for stronger presidential power, which improves Trump's odds of prevailing. As he becomes ever bolder about appointing judges at all levels based on political loyalty rather than competence, his odds further improve.

Civil society guard rails

Unions, good-government-oriented think tanks and advocacy organisations play vital roles in sustaining legal pressure on Trump's federal workforce agenda. The ability of these groups to mount lawsuits depends on funding, which flows from membership fees and donations. Memberships and donations depend, in turn, on public awareness of threats, which depends on the media's willingness to tell the public what they need to hear rather than what they want to hear. The higher education establishment also matters here. The principle of academic freedom enables, and we might say obligates, university faculty to apply standards of evidence and logic to the wide variety of claims made in the public square. Peer-reviewed research informs arguments in the courts.

Trump and his proxies understand these dynamics. Their multi-pronged strategy for weakening civil society guard rails ranges far and wide, from challenging the non-profit tax status of organisations they don't like to daily attacks on legitimate media organisations, to transforming the system of accreditation for universities by firing what Trump referred to during the campaign as 'the radical left accreditors that have allowed our colleges to become dominated by Marxist Maniacs' (quoted in Reich, 2025). Republican members of Congress are also considering large increases in the tax rate on university endowments (Guggenheim, 2025). Regarding unions, there isn't space here to note the many proposals now under discussion in the White House and among Republicans in Congress 'to weaken and, in some cases, perhaps even dismantle the federal-sector unions that have protected government workers for decades' (Jamieson, 2024).

Delays caused by judicial challenges and other forms of civil society resistance may give the public time to catch up to events and change direction by voting Republicans out of their current majorities in the House and Senate in the 2026 mid-term election. All workforce policies discussed in this article are executive actions, however; none require congressional approval.

Accidental guard rails: impediments to implementation

Successfully enacting a new policy through legislation or by executive fiat does not

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guarantee successful execution. Many of Trump's proposals aim to improve his odds of implementation success by dramatically reducing the number of people required to get the work done (i.e., cutting the federal workforce) and increasing his control over the people who remain. Ironically, before he can achieve those aims, he must navigate the current bureaucracy and comply with existing laws.

The return-to-office orders, for example, immediately confront the problem that fully remote workers have no offices to return to: where will they sit? In addition, under existing rules, agencies may have to pay some formerly remote workers transit subsidies now that they are commuting, and agencies may have to raise locality pay for workers required to move to a location with a higher cost of living (Sahadi, 2025).

Implementing job reclassification also poses challenges. In Trump's first term, agencies stalled in providing lists of employees to reclassify. Only the Office of Management and Budget provided a complete list before Trump left office in 2021. Even if agencies do not stall this time, the potential firing and hiring burden will be enormous, and many people with the requisite skills simply may not want to apply for these jobs. Among the current 4,000 political appointee positions, many have gone unfilled for years under many previous presidents, including Trump in his first term. The new category (Schedule F/Policy/Career) could produce even more long-term vacancies.

Two scenarios

What if all five policies described above jump the guard rails? What then should we expect? Among the nearly infinite number of possible scenarios, here are two that highlight key factors.

Best case

This scenario depends on people of goodwill within the government responding constructively to Trump's proposals and proclamations.

If the job reclassification scheme jumps the guard rails, for example, agencies in the best-case scenario would apply it narrowly to a small number of positions with heavy decision-making duties. They would resist pressures to reclassify expert adviser positions. If such resistance is only partially successful, and if filling a lot of reclassified career positions proves difficult, Congress would respond to the vacuum by increasing its own expert workforce. Some state governments would do the same. Data collection and analysis initiatives in other countries and in multinational organisations would step up. In the best-case scenario, these developments would help fill gaps. (Moving expertise to Congress would not reduce the partisanship problem, however.)

Real government efficiencies are surely possible if pursued with the public interest in mind. In the best possible scenario, agencies find constructive ways to streamline operations, and Congress allows them to make major reorganisations. In an ideal world, resources would shift away from less effective programmes to more effective programmes; understaffed agencies would add positions; and the whole process would occur in cooperation with Congress.

Likewise for lay-offs: in the best-case scenario, these would never be applied

across the board, but rather strategically, agency by agency, based on capacity and performance considerations, without interference from the president's vengeance agenda. Many talented people surely will leave federal employment if the Trump workforce agenda prevails. But, as noted, implementation matters. Rational and respectful approaches could encourage some talented people to stay in place.

DOGE's original terms of reference included scrutiny of federal contracts with potential for 'massive cuts among federal contractors … who are overbilling the government' (Shen, 2024). If DOGE in its new, official guise pursues this goal with integrity, much of value could be accomplished. Shining a light on contractors could lead to significant cost savings and improvements in the delivery of public services.

In previous interviews, DOGE leaders pledged to collect suggestions from federal workers about efficiencies that could be introduced in their areas of work – an idea often floated by good-government groups. This initiative could yield constructive suggestions, but only if federal workers trust that their ideas will not be twisted and misused.

One inauguration-week directive includes a few changes to the federal hiring process that good-government groups have hailed as potentially constructive (Wagner, 2025b). These include giving candidates better and more timely information about the status of their application; explaining hiring decisions, 'where appropriate'; and upgrading technology associated with hiring.

Worst case

Observers refer to Trump's worker reclassification scheme as a 'powerful tool for turning the federal government into an extension of [the president's] will' (Beauchamp, 2025). Public administration scholar Don Moynihan calls it 'the most profound change to the civil service system since its creation in 1883' (Moynihan, 2023). Assuming this policy survives judicial challenges, the number of federal positions that could be granted as favours in return for political support could increase ten-fold, and likewise for the number of federal workers vulnerable to ideological purges.

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Given the disdain for expertise among Trump's supporters, likely targets of reclassification and removal could include climate scientists, labour economists, NASA engineers, human rights lawyers, equal opportunity analysts, and many others whose jobs, by virtue of their potential advisory functions, may be caught in this web. Results of such a purge would significantly impair the collection and distribution of data needed to track everything from student test scores to sea level rise. The capacity of members of Congress, state officials, academics, and outside groups to analyse policy effectiveness and develop better policy proposals would decline.

The reclassify–fire–politicise scenario might sound outlandish but for the fact that the process has begun, and literally with a vengeance (Moynihan, 2024a). Tom Jones, a former Capitol Hill aide to Republican senators, received $100,000 from the Heritage Foundation in 2024 to develop lists of federal employees who may threaten expeditious implementation of Trump's agenda (Mascaro, 2024). The effort began with the DHS (Department of Homeland Security) Watchlist, 'a project to create a list of the subversive, leftist bureaucrats with authority over Federal immigration policy who can be expected to obstruct an America First president's border security agenda' (from the American Accountability Foundation website). The list, including photographs, was made publicly available on dhswatchlist.com.

People on such lists have much to fear, not only from online trolls, but also from MAGA supporters eager to show their loyalty to Donald Trump. These include the 1,500 January 6 insurrectionists pardoned by Trump on inauguration day. Through blatant intimidation, watchlists and similar tactics are likely to discourage some efforts to challenge the Trump agenda, and the implications for morale throughout the federal workforce are painfully obvious (Moynihan, 2024b).

Meanwhile, elsewhere in the worst-case scenario, if the Trump administration can find backdoor ways to circumvent legal and procedural guard rails, it can apply whatever criteria it likes for identifying regulations to rescind, workers to lay off, and even whole departments to cut. Such criteria will likely centre around Trump's personal grievances and political calculations – a strategy designed to keep the plutocrats beholden to Trump.

If successful, the five policies could conceivably lead to a massive shrinkage of the federal workforce, with nearly all remaining workers serving at the whim of the president. During a rally prior to his inauguration, Trump referred to his planned hiring freeze by saying, 'Most of these bureaucrats are being fired; they're gone … It should be all of them' (quoted in Wagner, 2025c). At the signing ceremony for the executive order on reclassification of career officials, Trump offered this comment: 'We're getting rid of all the cancer, the cancer caused by the Biden Administration' (ibid.).

Why the worst-case scenario should cause alarm

Roll-backs of worker benefits, weakening of federal-sector unions, lay-off threats and realities, politicisation of the non-partisan career service, and increasingly coarse rhetoric about 'crooked' federal workers and deep-state conspiracies: the

multi-pronged anti-government fusillade has potential to decimate internal federal worker morale, public trust in institutions across the board, and the ability of agencies to recruit talent.

Trump's worker reclassification scheme is at the centre of the burn-it-down agenda. Many critics have characterised worker reclassification as a move backwards towards the 19th century's 'spoils' approach to federal personnel management. Under that system, 'virtually every job in the civil service was given out by a politician in return for political support' and 'opportunities for state capture by big business interests' were thoroughly exploited (Fukuyama, 2024). Hence the term, which recalls the adage, 'to the victor belong the spoils of war'.

Conservative intellectuals appear to be flirting with a revival of the old patronage system. According to the Project 2025 report:

> The civil service was devised to replace the *amateurism* and *presumed* corruption of the old spoils system, wherein government jobs *rewarded loyal partisans* who might or might not have professional backgrounds. Although the system *appeared to be sufficient* for the nation's first century, *progressive intellectuals and activists demanded* a more professionalised, scientific, and politically neutral Administration. (Project 2025, 2023, p.71, emphasis added)

One of the authors of that report, Paul Dans, who was chief of staff in the Office of Personnel Management in the first Trump administration, is on record as saying: 'We're at the 100-year mark with the notion of a technocratic state of dispassionate experts. The results are in: It's an utter failure' (quoted in Berman, 2023).

The boldness of these statements is remarkable. The spoils system is not just 'presumed' corrupt. It was indeed 'hugely corrupt' – observably and undeniably so – with graft and theft of public funds often going unpunished (Fukuyama, 2024; White, 2017). Rewarding 'loyal partisans' with jobs may sound benign, but it inevitably results in a system that distributes public services in the same way, via trading favours. The

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19th-century federal service was also plagued by incompetence, a far more serious problem than 'amateurism' (Fukuyama, 2024). How could this have been 'sufficient' for the time?

Note the anti-'woke' dog whistles as well: the quotes above not-so-subtly discredit the move to professionalise the federal workforce by branding it a 'technocracy', which conjures Leviathan again, and by attributing it to 'progressive intellectuals and activists', thereby signalling to the conservative audience a connection to the left's agenda. These authors also omit the significant role of business leaders in pushing for civil service reforms in the 1870s and 1880s and the fact that Progressive Era reformers were Republicans, not Democrats.

The ideology behind reclassification threatens the foundations of the professional, non-partisan civil service. All public servants (including political appointees, by the way) take an oath to 'support and defend the Constitution of the United States … [and] bear true faith and allegiance to the same' (5 US Code 3331). They do not pledge an oath to the president, despite misleading characterisations found in the Project 2025 report, which asserts a 'fundamental premise that it is *the President's agenda* that should matter to the departments and agencies that operate under his constitutional authority' (Project 2025, 2023, p.44). This statement reveals a deep misunderstanding of the federal civil service, whose work is framed first and foremost by the statutory laws that govern its agencies. Congress enacts the laws; the president signs them; and employees in the executive branch abide by those laws and implement the programmes authorised and funded by Congress. If things are working as intended, the president ensures that this process proceeds faithfully.

The failure of the Project 2025 authors to even mention statutory law when declaring what 'should matter to the departments and agencies' may help explain an earlier sentence in the same chapter: 'The *President* must set and enforce a plan for the executive branch. Sadly, however, a President today assumes office to find a sprawling federal bureaucracy that all too often is carrying out its own policy plans and preferences' (ibid., p.43).

Perhaps what this hypothetical president finds, but does not recognise, is a federal bureaucracy implementing the laws enacted by Congress. When a president and his team come into office with little to no government experience and with deep personal disdain for government, they may struggle to grasp the concept of civil servants faithfully executing laws regardless of whether those laws accord with any specific president's preferences. Project 2025's twisted arguments logically allow the term 'rogue bureaucrat' to be applied to civil servants who refuse to break laws the president doesn't like. Such disregard for the law is deeply dangerous.

The new executive order on reclassification (section 6(b)) includes

language reminiscent of the earlier quotation from Project 2025:

> Employees in or applicants for Schedule Policy/Career positions are not required to personally or politically support the current President or the policies of the current administration. They are required to faithfully implement *administration policies* to the best of their ability, *consistent with* their constitutional oath and *the vesting of executive authority solely in the President.* Failure to do so is grounds for dismissal. (emphasis added)

Although it is nice to see a Trump executive order acknowledging the constitutional oath, the new language still manages to misrepresent the primary role of federal workers as faithfully implementing 'administration policies' rather than 'the Laws'. In the current environment, when many of the president's executive policies aggressively challenge congressional statutes the president does not like, the substance of this executive order essentially tells career civil servants they may be fired for choosing to follow current law rather than implementing illegal Trump administration policies.

What's more, a separate inauguration-week executive order introduces what some experts call a 'loyalty test' for all career federal workers (Wagner, 2025b). The new federal hiring plan to be developed under that order will prioritise recruitment of individuals who are 'passionate about the ideals of our American republic' (with no further definitions) and ensure that individuals are not hired if they are unwilling to 'faithfully serve the Executive Branch' (rather than the Constitution and the laws of the land).

Try as they might, the authors of these executive orders cannot disguise the politicisation agenda, which extends well beyond politicising career public servants

within the executive branch to unbalancing the relationship *between* the branches of government as well. Take, for example, the assertion in the original DOGE plan that presidents can decline to spend appropriated funds or nullify regulations by decree. These propositions expand executive power by encroaching on Congress's spending and lawmaking powers. Trump's favourite business elites may cheer these efforts, but the legislative and judicial branches should be wary.

Conclusion

Presidents of both parties have long complained about bureaucratic inefficiencies and the massive amount of time and effort needed to move the ship of state. The federal bureaucracy has many flaws; extensive reforms are needed. I don't know anyone who disagrees with that premise. But the substance of the reforms matter, as does their larger impact on the health of the constitutional republic.

Way back in 1993, President Bill Clinton, a Democrat, put Vice President Al Gore in charge of creating 'a government that works better and costs less'. The Clinton-Gore plan to 'reinvent' the US federal service followed on the heels of major state sector reforms in New Zealand in the 1980s and early 1990s, and comparisons were often made.

Many have criticised those earlier reforms for pursuing short-sighted (and often elusive) efficiencies and undermining government's capacity to pursue public ends, but in retrospect, they were mere baby steps. The Trump administrative agenda doubles down on the short-sighted priorities while also redefining public ends to mean what one individual – the president – prefers. Conservative pundits and intellectuals are aiding and abetting this constitutional distortion through circuitous arguments that equate demoralising and dismantling the federal workforce with democratic accountability:

the president is elected, so the argument goes; bureaucrats are not; ergo, the president, who embodies the public will, should have direct control over every federal worker. This is one of the most dangerous arguments in recent memory.

The five policies examined in this article, if enacted, add up to a significant step along the path towards consolidated *and personalised* presidential power. The above scenarios describe how additional increments of presidential power come at the expense of free, frank and non-partisan competence in the executive branch, and at the expense of the lawmaking and spending powers of the legislative branch.

The longer Congress and the courts allow the Trump charade to continue, the more dangerous it becomes. For now, civil society remains the bulwark.

Postscript

This article was submitted for publication on Jan. 26, 2025. Since then, the Trump White House has undertaken more sweeping actions to test the limits of presidential control over federal workers and federal spending. These include firing independent oversight officials at 17 federal agencies; preparing to fire FBI agents and Department of Justice prosecutors who worked on investigations into the Jan. 6, 2021 attack on the U.S. Capitol; threatening layoffs and encouraging "deferred resignations" across the federal workforce; freezing trillions of dollars in federal grants and loans (and then rescinding the freeze); and plugging an easily hacked, external computer server into the central personnel agency's data system to collect information about federal workers and send email blasts across the entire executive branch. By sowing confusion and chaos, these actions are increasing both the probability and magnitude of the worst-case scenario described above. The best-case scenario still offers alternative pathways should political winds begin to shift.

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