

Congress of the United States
Washington, DC 20515

The Honorable Sethuraman Panchanathan
Director
National Science Foundation
2415 Eisenhower Ave
Alexandria, VA 22314

February 20, 2025

Dear Director Panchanathan,

I write to express deep concern and outrage over the National Science Foundation's (NSF) recent firing of NSF employees and the reclassification of hundreds of employees' employment status from permanent to a probationary status. The dismissal of some of our nation's top-notch scientists, as well as this arbitrary extension of the probationary period from one to two years undermines NSF's policy and statutory mission to promote scientific advancement in the United States.

By longstanding practice, NSF's probationary period for excepted employees has been one year, as clearly reflected in offer letters, SF-50 forms, and the agency's personnel manual.¹ Many employees had their probation waived entirely through Direct Hire Authority negotiations, a discretionary power NSF exercised to fulfill urgent hiring needs. However, on January 20, 2025, the Office of Personnel Management (OPM) issued a directive requiring agencies to submit lists of probationary employees. In this guidance, OPM asserted that excepted-service employees must serve a two-year probationary period, disregarding agency-specific authority under applicable law. In direct response to OPM's directive, NSF unilaterally stripped permanent status from both bargaining unit and non-bargaining unit employees, including executives. Employees who had already completed a one-year probationary period—some of whom had their probation contractually waived—were suddenly reclassified as probationary, exposing them to termination without due process.

This sweeping policy shift was executed without prior notification for the affected employees—many learned of their status change through their union or a new SF-50 quietly placed in their personnel files. This was done without consultation or collective bargaining, violating NSF's obligations under the Federal Service Labor-Management Relations Statute,² and without a formal agency memorandum clarifying the legal basis or rationale for disregarding established hiring policies.

On February 4, NSF signaled plans for a Reduction in Force, and on February 5, hastily renewed Intergovernmental Personnel Act appointments of visiting scholars, further jeopardizing career program officers. It is our understanding that NSF is now applying the definition of "employee"

¹ PER, Chapter 2 Employment, Subchapter 100 – Employment in the Excepted Service (August 24, 2022)

² 5 U.S.C. §§ 7101-7135.

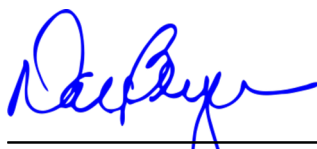
under 5 U.S.C. 7511 to prepare for adverse actions against its workforce. This is not an administrative technicality—it is an unjustified extension of probation and reversal of permanent employment status which contradicts Agency policy and undermines employees' ability to perform the mission of the agency. Finally, I learned earlier this week that over 168 probationary employees and expert appointments at NSF were dismissed from their roles.

NSF's actions have already inflicted serious harm. Before these cuts, NSF had a workforce of approximately 1,500 employees and 200 scientists from research institutions serving in temporary roles. The loss of approximately 10% of NSF's workforce will slow progress in our current science initiatives and severely hinder NSF's capacity for growth. In addition, employees have reported confusion and distress due to the Administration's unwarranted employment status reclassification. Alarming, the list of employees which NSF provided to OPM erroneously included permanent employees, putting them at risk for termination. The rushed nature of this decision and termination process has blindsided supervisors and added chaos to NSF's operational structure, not to mention risking U.S. scientific leadership, innovation and discovery.

It is absurd to mindlessly decimate the workforce that has led the world in science over the past 75 years, and to willingly give up excellent scientists and talent. I demand that NSF reinstate its employees who have been terminated and rectify the unlawful reclassification of permanent employees. The Administration must comply with labor agreements, recognize employee protections, and halt reclassifications.

I ask for a response in writing as to how you plan to comply with existing contractual obligations. NSF employees have dedicated themselves to advancing science, technology, and education in the United States, ensuring the nation remains competitive in STEM fields.

Sincerely,

A handwritten signature in blue ink, appearing to read "Donald S. Beyer Jr.", written over a horizontal line.

Donald S. Beyer Jr.
Member of Congress