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Judge Sides with AFGE Saying Trump's Mass Firings of Probationary Employees Illegal

March 03, 2025

Categories: [The Insider \(https://www.afge.org/articles/?Category=84\)](https://www.afge.org/articles/?Category=84), [USAID \(https://www.afge.org/articles/?Category=109\)](https://www.afge.org/articles/?Category=109)

In response to a court case brought by AFGE and allies, a federal judge on Feb. 27 **ruled** (<https://www.govexec.com/workforce/2025/02/judge-orders-trump-administration-rescind-directives-probationary-employee-firings/403358/>) that the Office of Personnel and Management (OPM) has no authority to fire workers at other agencies.

Judge William Alsup of the Northern District of California said OPM's Jan. 20 **memo** (<https://www.opm.gov/media/yh3bv2fs/guidance-on-probationary-periods-administrative-leave-and-details-1-20-2025-final.pdf>) and Feb. 14 internal email are "illegal" and "should be stopped, rescinded."

The judge said when federal agencies fire employees for no reason, "that's just not right in our country," adding that we can't "run our agencies with lies."

"The Office of Personnel Management does not have any authority whatsoever under any statute in the history of the universe to hire and fire employees at another agency," he stated.

Calling probationary employees the "life blood of agencies," he said agencies should not lie and stain an employee's record by saying they had performance issues when they did not.

The judge ordered OPM to immediately notify federal agencies of the ruling, including the Department of Veterans Affairs, Small Business Administration, National Park Service, National Science Foundation, Bureau of Land Management, and the Department of Defense, which was poised to terminate thousands of probationary employees the following day.

He further ordered the federal government to disclose by March 4 the participants on the Feb. 13 call that has been widely reported to have been the occasion when OPM ordered the agencies to terminate probationary employees. He indicated that a longer written order would follow shortly on the heels of the Feb. 27 ruling from the bench.

"This ruling by Judge Alsup is an important initial victory for patriotic Americans across this country who were illegally fired from their jobs by an agency that had no authority to do so," said AFGE President Everett Kelley. "These are rank-and-file workers who joined the federal government to make a difference in their communities, only to be suddenly terminated due to this administration's disdain for federal employees and desire to privatize their work. OPM's direction to agencies to engage in the indiscriminate firing of federal probationary employees is illegal, plain and simple, and our union will keep fighting until we put a stop to these demoralizing and damaging attacks on our civil service once and for all."

The decision follows a **ruling** (<https://fedscoop.com/federal-watchdog-requests-pause-in-terminations-of-six-probationary-employees/>) by the Merit Systems Protection Board (MSPB) that paused the terminations of six probationary employees.

The coalition of plaintiffs on the case include the **American Federation of Government Employees (AFGE)** ([/](https://www.afge.org/)); **American Federation of State, County and Municipal Employees (AFSCME)** (<https://www.afscme.org/>); the **Main Street Alliance** (<https://mainstreetalliance.org/>); the **Coalition to Protect America's National Parks** (<https://protectnps.org/>); the **Common Defense Civic Engagement** (<https://commondefense.us/>); the Western; **AFGE Local 1216** (<https://www.local1216.org/>); AFGE Local 2110; **VoteVets** (<https://votevets.org/>); and **United Nurses Associations of California/Union of**

Health Care Professionals (UNAC/UHCP) (<https://unacuhcp.org/>). They are represented by the law firm of **Altshuler Berzon LLP** (<https://altshulerberzon.com/>) and the **State Democracy Defenders Fund (SDDF)** (<https://statedemocracydefenders.org/fund/>).

Join us!

This case shows that when workers stick together, we win. That's why it's important to join and be engaged in your union. **Joining AFGE** (<https://join.afge.org/>) is easy. It takes only a few minutes!

AFGE will continue to challenge illegal attacks on our members and federal employees nationwide.

Recent AFGE News:

AFGE Continues to Represent TSA Officers, Protect Their Workplace Rights
(</link/124f81f539af43e4ac9a4edca93a1d74.aspx>)

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(</link/124f81f539af43e4ac9a4edca93a1d74.aspx>)

TSOs made enormous progress at their agency with a union contract, but the Trump administration earlier this month illegally terminated the negotiated contract with AFGE, prompting our union to file a lawsuit.

Read More (</link/124f81f539af43e4ac9a4edca93a1d74.aspx>)

Chaos and Corruption Weekly Digest: Week 9
(</link/790a00d7bc1c408eb3c35c2919e7b310.aspx>)

March 24, 2025



[\(/link/790a00d7bc1c408eb3c35c2919e7b310.aspx\)](/link/790a00d7bc1c408eb3c35c2919e7b310.aspx)

Week 9 saw President Trump attacking our country's last line of defense against dictatorship as he ignored a court ruling and demanded the judge's impeachment in his latest abuse of executive power and assault on America's rule of law.

[Read More \(/link/790a00d7bc1c408eb3c35c2919e7b310.aspx\)](/link/790a00d7bc1c408eb3c35c2919e7b310.aspx)

[Judge Rules DOGE's Dismantling of USAID Unconstitutional \(/link/b6906ff8b6bb4a019b30eb170c2197a2.aspx\)](/link/b6906ff8b6bb4a019b30eb170c2197a2.aspx)

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(/link/b6906ff8b6bb4a019b30eb170c2197a2.aspx)

A federal judge March 18 ruled that Elon Musk and his Department of Government Efficiency (DOGE) violated the Constitution by shutting down the U.S. Agency for International Development (USAID).

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