National Federation of Federal Employees
Forest Service Council
International Association of Machinists and Aerospace Workers

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NFFE-FSC Support Circular 03: Update for Terminated Probationary Employees

07 March 2025

MSPB Stay on Probationary Employee Terminations

On March 5, 2025, in response to a request from the Office of Special Counsel (OSC), the Merit Systems Protections Board (MSPB) issued a 45-day stay on the terminations of USDA probationary employees. The stay applies to all USDA probationary employees terminated since February 13, 2025, pursuant to the mass termination emails.

The stay orders the temporary reinstatement of affected employees while the OSC continues its investigation into the terminations. While the reinstatement is not final, it will allow terminated employees to return to their positions until the OSC finishes its investigation and submits a final recommendation to the MSPB. If the investigation is not complete at the end of the 45-day stay, an extension to the stay may be granted, retaining terminated probationary employees until the MSPB makes a final decision on the terminations.

The MSPB has required the USDA to submit evidence of compliance with the stay order within 5 business days.

NFFE Grievance Update

On Friday, February 28, 2025, the Union submitted our grievance on behalf of terminated probationary employees. The initial submission included a preliminary list of named grievants, with the intent of adding additional names to the grievance as we continued to collect information from the terminated employees.

The Union's current plan is to submit an amended grievance on Tuesday, March 11, 2025. This grievance will include citations from the recent MSPB order, specific requests relating to implementation of the MSPB order, and will include a complete list of named grievants. The MSPB order is promising but we recommend that all eligible terminated employees continue to participate in the NFFE grievance to ensure the highest probability of reinstatement.

- Anyone who has completed our grievance survey by **5:00 pm PST on Friday, March 7, 2025**, will receive an email over the weekend with a final opportunity to opt out of the NFFE grievance. No action will be needed from those who wish to participate in the grievance, but those who wish to opt out must respond by 5:00 pm PST on Monday, March 10, 2025, if they no longer wish to participate in the grievance.
- **We will be accepting additional responses to our grievance survey until 5:00 pm PDT on Monday, March 10, 2025**. This is the drop-dead date to respond and no additional names will be added to our grievance after this time. Any eligible responses to the grievance survey submitted after 5:00 pm PST on Friday, March 7, 2025, will automatically be included in the grievance and will not be given an opportunity to opt out of the grievance.

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