

Jeffery Anoka
Chief Human Capital Officer (acting)
US Department of Health and Human Services

Mr. Anoka,

Today I retired from my role as the Deputy Director for Operations in the Center for Consumer Information and Insurance Oversight (CCIIO) within the Centers for Medicare & Medicaid Services (CMS) after 41 years of federal service. I write to share vitally important information with you. I hope to help you rectify a grievous error you made about two weeks ago. While I do not know you personally, I have worked with numerous Chief Human Capital Officers and have a deep understanding of and respect for the key role you play to ensure fair treatment under the law for all HHS employees.

You recently fired 82 of my highly valued employees, approximately 15% of my highly capable workforce of (then) over 600 employees. Your termination letter said, "Unfortunately, the Agency finds that you are not fit for continued employment because your ability, knowledge, and skills do not fit the Agency's current needs, and your performance has not been adequate to justify further employment at the agency." I am here to inform you that the statement you made is factually incorrect on all counts. What's more is that I can prove it to you.

Every position that we hired people into for the past few years has undergone a formal review, first by me, next by CMS's Enterprise Workforce Investment Council (EWIC), and ultimately by CMS's Chief Operating Officer (COO). My review is to ensure that the position aligns with the priorities and needs of CCIIO. EWIC ensures that the positions align with the agency's needs. And the COO reviews the EWIC's recommendations to ensure that the senior official in charge of our human capital strategy is aware of and agrees with our assessments.

I realize that a change in Administration could lead to changes in priorities and how we staff for those changes. I can report to you that the staff that we hired fulfilled roles that will help CCIIO make needed changes to our operations and regulations to support the new Administration's priorities. They were hired to add efficiencies to our enrollment processes, making it easier for consumers to obtain and retain coverage and saving administrative processing funds. They were going to work on writing and implementing the recently announced Program Integrity rule, a top Trump Administration priority that is projected to save billions in program dollars. These are some of our lowest paid people who nevertheless have a huge financial impact on the cost of governing, which is the ultimate in government efficiency. And government efficiency is the most salient priority of the new Administration.

Of course, it is possible that the positions are needed but that these are just the wrong people for the work. I am happy to report that this part of your note is also factually incorrect. Every one of these people had the ability, knowledge and skills that we require to accomplish our work. In selecting these individuals, we reviewed between one and two thousand resumes, many of which came from other fully qualified people. We chose the best from hundreds of very highly qualified candidates. I personally interviewed at least a third of these candidates. I reviewed their resumes. They were truly the best of the best. They had exceptional ability, knowledge and skills as measured against the work we asked them to perform.

This leads to the final criticism, their performance. I am lucky to have witnessed the incredible performance of some of these people who had been with us the longest. They personally briefed me on their work. I have talked about their performance with their managers. Many of these workers received the highest possible performance ratings, with these ratings having

been completed within a month of their being removed for inadequate performance. You could have obtained data from the system to assess their performance, had you chosen to do so, and you would have had direct knowledge of their outstanding performance.

Others among the wrongfully terminated group did not have the minimum 90 days on the job that HHS's Performance Management Appraisal Program (PMAP) requires prior to making any formal performance assessment. For those whose date of entrance into service was within 90 days of their firing, you know that you could not make a performance-based termination under the rules that you personally administer.

As a career federal official and senior human capital officer, you had to know that what you were doing was wrong. If you were ordered to write those letters, you should have refused to follow that unlawful directive. You did not review the positions for suitability, you never read a single person's resume, you never spoke with any of these people, and you had no personal knowledge of their individual performance. You now have the direct testimony of a fellow career civil servant who has done all of those things. Now that you possess this information, I believe that you are ethically and legally bound to restore each of these employees to duty status. Please correct this error with the same dispatch you showed when wrongfully terminating these honorable civil servants. They deserve it.

Please note that I am sharing this letter publicly and with the Office of Special Counsel.

Sincerely,
Jeff Grant

Jeffrey Grant
Deputy Director for Operations (retired)
Center for Consumer Information and Insurance Oversight
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