

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATIONAL TREASURY EMPLOYEES UNION)
800 K Street N.W., Suite 1000)
Washington, D.C. 20001,)

Plaintiff,)

v.)

Case No. 25-3948

OFFICE OF PERSONNEL MANAGEMENT)
1900 E Street N.W.)
Washington, D.C. 20415)

Defendant.)
_____)

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

This is an action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, *as amended*, to secure the release of records responsive to the August 20, 2025, FOIA request that the National Treasury Employees Union (NTEU) submitted to the Office of Personnel Management (OPM). NTEU's FOIA request seeks certain petitions that agencies have submitted to OPM as required by an Executive Order.

JURISDICTION

1. This Court has jurisdiction over this cause of action under 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B) because this is an action to enforce the requirements of FOIA.

VENUE

2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(e) and 5 U.S.C. § 552(a)(4)(B).

PARTIES

3. The National Treasury Employees Union (NTEU) is an unincorporated association with its principal place of business at 800 K Street N.W., Suite 1000, Washington, D.C. 20001. Pursuant to Title VII of the Civil Service Reform Act, Public Law No. 95-454, 92 Stat. 1111, NTEU represents approximately 160,000 federal employees.

4. Defendant OPM is located at 1900 E Street N.W., Washington, D.C., 20415, and has possession and control over the records that NTEU seeks.

STATEMENT OF FACTS

5. Executive Order 13957, 85 Fed. Reg. 67631 (Oct. 21, 2020), directed heads of executive agencies to petition the Director of OPM to place certain positions within a new excepted service category. Executive Order 13957 was withdrawn by Executive Order 14003, 86 Fed. Reg. 7231 (Jan. 22, 2021), but then was “reinstated with full force and effect” by Executive Order 14171, 90 Fed. Reg. 8625 (Jan. 20, 2025).

6. OPM has told agencies:

Agency heads will . . . petition OPM to recommend that the President place those positions in Schedule Policy/Career. . . . Agencies have 90 days to conduct a preliminary review of positions and submit petitions, with an additional 120 days to finalize their review and submit any remaining petitions. Agencies may, and are encouraged to, submit such petitions on a rolling basis.

OPM, “Guidance on Implementing President Trump’s Executive Order titled, ‘Restoring Accountability To Policy-Influencing Positions Within the Federal Workforce’” (Jan. 27, 2025).

7. By electronic submission dated August 20, 2025 (attached), NTEU requested the following information from OPM:

[A]ll petitions received by the Office of Personnel Management from all agencies identifying positions within the submitting agency to be transferred into Schedule Policy/Career, as created by Executive Order 13957 and pursuant to OPM Guidance on Implementing President Trump’s Executive Order titled, “Restoring Accountability To Policy-Influencing Positions Within the Federal Workforce” issued on Jan. 27, 2025.

8. FOIA requires agencies to respond to requests within 20 working days, 5 U.S.C. § 552(a)(6)(A)(i), although agencies may extend that time period for an additional ten working days in “unusual circumstances.” *Id.* § 552(a)(6)(B).

9. OPM has not responded to NTEU’s FOIA request at all, and the statutory time period for any response has lapsed.

10. Because NTEU has not received a response to its FOIA request and because the deadline for a response has passed, NTEU is deemed to have exhausted its administrative remedies. 5 U.S.C. § 552(a)(6)(C)(i).

11. NTEU has a statutory right to the records requested in its August 20, 2025, FOIA request to OPM, and there is no legal basis for OPM's failure to respond to NTEU's request or for its failure to produce the requested records within the statutory time period.

CAUSE OF ACTION

12. NTEU reasserts and incorporates herein the allegations set forth in paragraphs 1 through 11.

13. Under 5 U.S.C. § 552(a)(3), OPM must produce, upon request, records not specifically exempted by FOIA or for which disclosure is not otherwise prohibited by law.

14. OPM must respond to a FOIA request within 20 working days, unless it invokes a 10-day extension.

15. NTEU is entitled to the records it requested because disclosure of such records is not specifically exempted by FOIA and is not otherwise prohibited by law. OPM's failure to respond to NTEU's request and its failure to produce the requested records within the statutory time period violate FOIA.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff NTEU respectfully requests that this Court:

- (1) Declare that OPM's failure to release the records requested by NTEU is unlawful;
- (2) Order OPM to make the requested records available to NTEU within ten calendar days;

- (3) Award NTEU its costs, reasonable attorneys' fees and expenses, and other disbursements in this action; and
- (4) Grant any additional appropriate relief.

Respectfully submitted,

/s/ Paras N. Shah

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D.C. Bar 983881

/s/ Allison C. Giles

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November 14, 2025

Counsel for Plaintiff NTEU

ATTACHMENT



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UNITED STATES DEPARTMENT OF JUSTICE



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MENU

Thank you for visiting FOIA.gov, the government's central website for FOIA. We'll continue to make improvements to the site and look forward to your input. Please submit feedback to National.FOIAPortal@usdoj.gov.

Submission ID: 2341441

Success!

Your FOIA request has been created and is being sent to the Office of Personnel Management.

You'll hear back from the agency confirming receipt in the coming weeks using the contact information you provided. If you have questions about your request, feel free to reach out to the agency FOIA personnel using the information provided below.

Contact the agency

~~FOIA Requester Service Center~~

202-606-3642

foia@opm.gov

~~Camille C. Aponte-Rossini, FOIA Public Liaison~~

202-606-1153

camille.aponte-rossini@opm.gov

FOIA Requester Service Center, Room 5H35
1900 E Street NW
Washington, DC 20415-7900

foia@opm.gov

Request summary

Request submitted on **August 20, 2025**.

The confirmation ID for your request is **2341441**.



The confirmation ID is only for identifying your request on FOIA.gov and acts as a receipt to show that you submitted a request using FOIA.gov. This number does not replace the information you'll receive from the agency to track your request. In case there is an issue submitting your request to the agency you selected, you can use this number to help.

Contact information

Name

Allison Giles

Mailing address

800 K Street, N.W., Suite 1000

Washington, D.C. 20001

United States

Phone number

202-572-5509

Fax number

202-572-5645

Company/organization

National Treasury Employees Union

Email

Allie.Giles@nteu.org

Your request

We request all petitions received by the Office of Personnel Management from all agencies identifying positions within the submitting agency to be transferred into Schedule Policy/Career, as created by Executive Order 13957 and pursuant to OPM Guidance on Implementing President Trump's Executive Order titled, "Restoring Accountability To Policy-Influencing Positions Within the Federal Workforce" issued on Jan. 27, 2025.

Fees

What type of requester are you?

other

Fee waiver

yes

Fee waiver justification

NTEU requests a fee waiver. NTEU is a nonprofit labor union. Furthermore, disclosure of the records requested would be in the public interest because they are likely to contribute significantly to public understanding of the operations and activities of the government and requesting the records is not primarily in NTEU's commercial interest.

The amount of money you're willing to pay in fees, if any

0

Request expedited processing

Expedited processing

yes

Justification for expedited processing

NTEU has an urgency to inform the public concerning Federal Government activity. Specifically, NTEU needs the documents in order to understand how agencies and OPM are implementing a Presidential directive (the Schedule Policy/Career Executive Order) that affects the entire federal workforce.



FOIA.gov

CONTACT

Office of Information Policy (OIP)
U.S. Department of Justice
441 G St, NW, 6th Floor
Washington, DC 20530
E-mail: National.FOIAPortal@usdoj.gov

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