



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF THE SECRETARY

WASHINGTON, D.C. 20201

October 4, 1979

The Honorable Birch Bayh
United States Senate
Washington, D.C. 20510

Dear Senator Bayh:

Members of your staff have inquired of the Department regarding a possible personnel action against Mr. Norman Latker. Our discussions with Mr. Latker over this matter have been conducted in accordance with procedures set forth in the Federal Personnel Manual (FPM) and Office of Personnel Management regulations. Any action which is taken against him will be in full compliance with the requirements of those regulations, the FPM and other applicable laws and regulations.

As you may know, Mr. Latker's employment was terminated last year in accordance with procedures applicable to lawyers in the excepted service. The Merit Systems Protection Board ruled in June 1979 that Mr. Latker is a competitive service employee. That ruling did not address the merits of this case, but simply held that, if an adverse action is proposed against Mr. Latker, he is entitled to the procedures applicable to competitive service employees.

Under Office of Personnel Management regulations, a proposed adverse action must be reviewed and a decision rendered by a higher level official in the organization. If an adverse action is taken against Mr. Latker, he may appeal this decision to the Merit Systems Protection Board.

Please let me know if I can be of further assistance in this matter.

Sincerely yours,

Thomas S. McFee
Assistant Secretary for
Personnel Administration