

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 25-13305-GAO

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO, AMERICAN
FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO, and
NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES, INC.,
Plaintiffs,

v.

SCOTT KUPOR, in his official capacity as Director of the Office of Personnel Management,
OFFICE OF PERSONNEL MANAGEMENT, and THE UNITED STATES OF AMERICA,
Defendants.

ORDER

Pursuant to 5 U.S.C. § 705, and in accordance with the Court’s Opinion and Order (dkt. no. 86), dated September 11, 2026, the Merit Hiring Plan and Merit Hiring Plan Guidance are STAYED insofar as they direct the inclusion of the following “short, free-response essay question[]” in federal civil service employment applications:

How would you help advance the President’s Executive Orders and policy priorities in this role? Identify one or two relevant Executive Orders or policy initiatives that are significant to you, and explain how you would help implement them if hired.

(Compl., Ex. A at 9–10 (dkt. no. 1–1).)

It is further ORDERED that:

- i. Within seven (7) days of the entry of this Order, defendants Kupor and the Office of Personnel Management (“OPM”) shall provide notice of the Stay to all heads or acting heads of the departments and agencies to which the Merit Hiring Plan and related guidance is addressed or otherwise applicable.

- ii. Within fourteen (14) days of the entry of this Order, OPM shall file on the docket a status report informing the Court of the actions it has undertaken to comply with the Stay.
- iii. The Stay shall remain in effect until further Order of this Court.

It is SO ORDERED.

September 11, 2026

/s/ George A. O'Toole, Jr.
United States District Judge