



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

MEMORANDUM

TO: Heads of Departments and Agencies

FROM: Scott Kupor, Director, U.S. Office of Personnel Management

DATE: February 5, 2026

RE: Initial Implementing Guidance for Schedule Policy/Career Final Rule
(*Improving Performance, Accountability and Responsiveness in the Civil Service*)

On January 20, 2025, President Trump signed Executive Order (E.O.) 14171 titled *Restoring Accountability to Policy-Influencing Positions within the Federal Workforce*, reinstating and amending E.O. 13957 to establish Schedule Policy/Career as a new schedule in the excepted service.¹ That Executive Order directed the U.S. Office of Personnel Management (OPM) to amend the Civil Service Regulations to facilitate the creation of Schedule Policy/Career. OPM has now completed that rulemaking process with the publication of the Final Rule titled *Improving Performance, Accountability and Responsiveness in the Civil Service* (the Final Rule).

As explained at length in the Final Rule, Schedule Policy/Career will bring much-needed accountability to career policy-influencing positions in the Federal government. These employees “are entrusted to shape and implement actions that have a significant impact on all Americans.”² The Final Rule reinforces protections for Schedule Policy/Career employees who report waste, fraud, abuse, and legal violations; ensures that Schedule Policy/Career employees will be hired, evaluated and promoted based on merit, not patronage; and preserve preferences for veterans in hiring for Schedule Policy/Career positions.

This Memorandum provides important guidance to Federal agencies implementing OPM’s Final Rule. Please note that placement of positions into Schedule Policy/Career requires an

¹ The full text of E.O. 13957 reinstated by Executive Order 14171 is available as Appendix 1 to OPM’s earlier guidance document. See OPM, *Guidance on Implementing President Trump’s Executive Order titled, “Restoring Accountability To Policy-Influencing Positions Within the Federal Workforce,”* Appendix 1 (January 27, 2025).

² President Trump, Executive Order 14171, *Restoring Accountability to Policy-Influencing Positions within the Federal Workforce* (Jan. 20, 2025).

executive order from the President. Until such an order is issued, agencies must continue to treat employees and positions as they are currently classified. In addition, the Final Rule is not effective until 30 days after publication in the Federal Register.

I. Background

The Civil Service Reform Act of 1978 allows the President or OPM to exempt policy-influencing positions from statutory adverse action procedures.³ Congress deliberately excluded policy-influencing positions—that is, those employees with significant authority and responsibility for Executive Branch policymaking—from these cumbersome removal procedures to ensure they are not able to use such procedures to avoid meaningful accountability to the American people and their elected President. Schedule Policy/Career draws on the President’s longstanding statutory authority to exempt policy-influencing positions from such procedures.

With the issuance of E.O. 14171, the President directed OPM to establish Schedule Policy/Career and remove regulations issued during the Biden administration that would have impeded full implementation of the new schedule. E.O. 14171 also took direct presidential action to nullify those regulations relying on delegations of presidential authority that prevented OPM and Federal agencies from carrying out the President’s directives.

On January 27, 2025, OPM published the memorandum [Guidance on Implementing President Trump’s Executive Order titled, “Restoring Accountability To Policy-Influencing Positions Within the Federal Workforce.”](#) In that memorandum, OPM directed agencies to begin reviewing positions for placement into Schedule Policy/Career as required under E.O. 13957. OPM also provided guidance to agencies on the guideposts and processes agencies should use for reviewing positions that may be appropriate for placement. Agencies were given until April 20, 2025, to submit petitions identifying positions, and OPM has accepted additional petitions on a rolling basis.

In its January 27, 2025 memorandum, OPM reiterated the President’s commitment to a merit-based civil service free from political patronage. E.O. 13957, as amended, OPM’s guidance, and OPM’s Final Rule all make clear that positions moved into Schedule Policy/Career will remain career positions and will not be subject to personal or political loyalty tests.

³ See 5 U.S.C. 7511(b) (“This subchapter does not apply to an employee . . . whose position has been determined to be of a confidential, policy-determining, policy-making or policy-advocating character by” either the President or OPM).

OPM also committed to establishing appointment procedures that mirror those applicable to competitive service vacancies, unless the positions would otherwise have been filled using career excepted hiring procedures but for their placement into Schedule Policy/Career. OPM has now delivered on that commitment with the publication of the Final Rule.

On April 23, 2025, OPM published the proposed rule *Improving Performance, Accountability and Responsiveness in the Civil Service* for public comment in the Federal Register. By the close of the comment period on June 7, 2025, OPM received over 40,500 comments from the public, including Federal agencies and employees, unions, state and local governments, academics, and nonprofit organizations.

OPM has now issued the Final Rule, which establishes Schedule Policy/Career and amends the Civil Service Regulations to accommodate the new schedule. OPM considered the comments closely and made numerous improvements to the final rule to reinforce that Schedule Policy/Career employees will be hired, evaluated and promoted based on merit, and to reinforce the veterans' preference for hiring for these positions, among other changes.

II. Employee Accountability

As stated in the Final Rule, the Federal civil service suffers from the longstanding, pervasive problems of misconduct, poor performance, and policy resistance. The Final Rule documents surveys, academic research, and examples of these problems to illustrate exactly why reform is necessary to address these issues at some of the highest levels of government.

Schedule Policy/Career employees—career employees who occupy key policy-influencing roles—will be held to the high standards of performance and conduct that the American people expect, without delays associated with cumbersome removal procedures that too often impede a merit-based workforce rather than protecting it.

Employees moved or appointed into Schedule Policy/Career positions are excepted from the procedures established under chapters 43 and 75 of title 5, United States Code. OPM amended its regulations at part 432 and subparts B and D of part 752 to exclude Schedule Policy/Career employees from the procedures governing performance-based and adverse actions. Thus, agencies may take personnel actions such as suspensions, demotions, and terminations against Schedule Policy/Career employees without the procedures created by those regulations. Merit Systems Protection Board appeals of adverse actions will not apply to employees in Schedule Policy/Career positions.

Agencies should update their internal policies to account for these changes, including disciplinary and administrative grievance procedures. Additionally, agencies are responsible for notifying applicants and employees that they will no longer be covered by these statutory procedures governing actions based on unacceptable performance and conduct. To assist agencies with these changes, OPM is providing agencies with a template notice that agencies may adapt to their own internal uses (see Appendix 4).

III. Prohibited Personnel Practices and Agency Policies

The President made clear in E.O. 13957, as amended, that Schedule Policy/Career employees will continue to benefit from the protections against prohibited personnel practices (PPPs). Section 6(a) of E.O. 13957 prohibits agencies from engaging in PPPs established under 5 U.S.C. 2302(b) against applicants for, and employees in, Schedule Policy/Career. PPPs include discrimination based on political affiliation, coercion or reprisal based on political activity, and retaliation for reporting violations of law or waste, fraud and abuse to appropriate authorities.

Section 6(a) also requires agencies to establish and enforce policies consistent with section 2302(b) to continue the protections for employees as they enter into Schedule Policy/Career positions. Agencies must establish these policies within 30 days from the effective date of the Schedule Policy/Career Final Rule. Agencies may issue an interim policy while developing a more comprehensive policy. OPM has attached template agency policies as Appendix 3.

IV. Protections Against Political Hiring and Patronage

Positions placed into Schedule Policy/Career will be filled by career employees whose policy-influencing duties are critical to accomplishing the President's policy agenda. Section 6(b) of E.O. 13957, as amended, notes that Schedule Policy/Career employees are required to faithfully implement administration policies to the best of their ability, consistent with their constitutional oath and the vesting of executive authority solely in the President, while forbidding agencies from requiring that employees pledge personal or political loyalty to the President.

The Final Rule explicitly requires agencies to continue to use merit-based hiring procedures and continue to apply veterans' preference to positions moved into Schedule Policy/Career. This includes public notice, applying veterans' preference criteria, and making hiring decisions based on merit.

V. Workforce Reshaping

The Final Rule addresses concerns that Schedule Policy/Career will be used as a tool to conduct workforce reshaping activities such as reductions in force (RIFs). As OPM has explained, agencies are prohibited from using these regulations to circumvent OPM's RIF regulations. OPM's existing RIF regulations and procedures will continue to apply to Schedule Policy/Career employees, requiring that any RIFs affecting these employees be carried out with appropriate procedural protections.

VI. Labor-Management Relations

Neither the implementation of the Final Rule nor any presidential decision to place positions into Schedule Policy/Career excludes employees from collective bargaining under chapter 71 of title 5, United States Code. However, under 5 U.S.C. § 7103(a)(11) and 7112(b)(1), collective bargaining units may not include positions the duties and responsibilities of which require or authorize the individual to formulate, determine, or influence the policies of the agency. Positions moved into Schedule Policy/Career based on their policy-determining or policy-making responsibilities may meet these criteria.

Section 5(e) of Executive Order 13957 requires agencies with policy-making or policy-determining bargaining unit positions to promptly file unit clarification petitions with the Federal Labor Relations Authority (FLRA) to determine whether these positions are appropriately included within a bargaining unit. Agencies should coordinate with OPM on the submission of such petitions. Unless and until the FLRA holds such positions are excluded from the bargaining unit, agencies will need to adhere to any applicable, preexisting collective bargaining requirements regarding the impact and implementation of any presidential decision to move positions into Schedule Policy/Career.

VII. Next Steps

The Final Rule will become effective 30 days from publication. But absent an executive order placing specific positions into Schedule Policy/Career, employees and positions will remain unchanged.

Agencies that appoint employees under agency-specific statutory personnel authorities, including title 5 authorities other than government-wide competitive service and excepted service appointment authorities, must not place such positions into Schedule Policy/Career until OPM issues further guidance. This includes positions covered by agency-specific personnel systems or

appointing authorities established by statute, whether located in title 5 or other titles of the United States Code.

To assist agencies with implementing these regulations, OPM is attaching the appendices listed below containing FAQs and templates. Additional guidance and communication materials will be provided on an ongoing basis.

Agency Chief Human Capital Officers (CHCOs) and/or Human Resources Directors should contact OPM for any additional information using the following contact information:

- Performance Management and Awards: performance-management@opm.gov
- Employee Accountability: employeeaccountability@opm.gov
- Hiring: employ@opm.gov
- Pay policy (severance pay, incentives, student loan repayment program): paypolicy@opm.gov
- Personnel Documentation policy: persaction@opm.gov
- Employees should contact their agency human resources offices for assistance

cc: CHCOs, Deputy CHCOs, and Human Resources Directors

Attachments:

Appendix 1: [The Final Rule](#)

Appendix 2: [FAQs on Schedule Policy/Career Final Regulations](#)

Appendix 3: [Template: Prohibited Personnel Practices for Schedule Policy/Career Employees](#)

Appendix 4: [Templates: Notices to Applicants and Employees of Schedule Policy/Career](#)