Questions and Answers on 5 CFR part 430, subpart E Final Rule

A. Overview of the Rule

1) What are the major changes made by the final rule?

The final rule makes the following major changes to senior professional performance appraisal:

- Establishes a new subpart E in 5 CFR part 430 dedicated exclusively to senior professional performance appraisal and removes senior professionals from coverage under subpart B of part 430, which governs performance appraisal for most non-SES federal employees.
- Eliminates the requirement for agencies to develop separate senior professional appraisal programs in addition to their appraisal systems. Agencies are now required to maintain a single senior professional performance appraisal system that encompasses all necessary policies, parameters, procedures, and requirements.
- Authorizes OPM to establish and enforce a standardized distribution of some or all rating levels for agencies to apply when rating their senior professional cohorts.
- Formalizes the role of the agency-level Performance Review Board (PRB) in conducting the centralized review of senior professional ratings and pay actions previously required under 5 CFR part 534, subpart E, thereby eliminating the need to establish a separate agency-designated centralized review panel for senior professionals.
- Replaces the narrow requirement for mandatory higher-level review of Level 1 ("Unacceptable") initial summary ratings with a broader process—equivalent to SES higher-level review—under which any senior professional may request higher-level review of his or her initial summary rating regardless of the rating level received.
- Codifies in regulation the requirement that rating officials conduct progress reviews with senior professionals at least quarterly.
- Eliminates the informal grievance process that previously applied to senior professionals under subpart B and establishes that senior professional performance appraisals and ratings are not appealable beyond what is otherwise provided under applicable law and regulation.

2) Who are senior professionals?

Senior professionals are senior-level (SL) and scientific and professional (ST) employees paid under 5 U.S.C. 5376. SL positions are senior-level positions classified above GS-15 pursuant to 5 U.S.C. 5108. ST positions are scientific or professional positions established under 5 U.S.C. 3104 and also classified above GS-15.

3) Why did OPM issue this final rule?

OPM issued this final rule to address persistent rating inflation among senior professionals and to create a performance appraisal framework better suited to the scope and impact of their work. The prior regulations governing senior professional performance appraisal—last significantly updated in the mid-1990s—were designed for a broad population of non-SES employees and did not reflect the high level of compensation, expertise, and responsibility that characterizes senior professional positions. The final rule establishes a performance appraisal framework that borrows from successful SES appraisal processes (e.g., higher-level review and oversight by the PRB), while also authorizing OPM to establish and maintain a standardized distribution to promote greater accuracy, accountability, and meaningful differentiation in senior professional performance ratings.

4) When do the requirements of the final rule take effect?

The final rule becomes effective November 18, 2026.

5) How does the final rule relate to OPM's April 3, 2025, Governmentwide Senior Professional Performance Appraisal System and Plan?

OPM issued a Governmentwide Senior Professional Performance Appraisal System and Plan on April 3, 2025, which many agencies have been implementing since the start of FY 2026. The final rule codifies in regulation many aspects of that system and creates subpart E as the permanent regulatory framework for senior professional performance appraisal. OPM is issuing an updated Governmentwide Senior Professional Performance Appraisal System and Plan with the final rule to ensure the system conforms to the new regulatory requirements and to remove provisions that are no longer applicable. The updated Governmentwide system replaces the senior professional system that was issued on April 3, 2025.

6) Does the final rule affect performance appraisal for any non-SL/ST employee?

No. The final rule applies only to senior professionals (SL/ST employees) paid under 5 U.S.C. 5376. SES performance appraisal continues to be governed by subpart C of part 430. Performance appraisal for General Schedule, prevailing rate, and other covered employees remains governed by subpart B of part 430.

7) Are senior professionals appointed under Schedules C or G covered by the new subpart E?

Yes, senior professionals appointed under Schedules C or G are subject to the performance appraisal requirements of subpart E. However, in accordance with 5 CFR 430.505(d), OPM has determined to exclude senior professionals appointed under Schedules C or G from the standardized distribution requirements. Agencies should not include these appointees when calculating their senior professional rating distribution caps.

8) What about excepted service positions for which employment is not expected to last long enough to complete the minimum appraisal period? Are they subject to the new subpart E?

Excepted service positions for which employment is not reasonably expected to exceed the 90-day minimum appraisal period in a consecutive 12-month period are not subject to subpart E. OPM may also administratively exclude certain other excepted service positions from coverage under 5 U.S.C. 4301(2)(G).

B. Performance Planning and Appraisal

1) What are the mandatory critical elements for senior professional performance plans?

Under the Governmentwide Senior Professional Performance Appraisal System and Plan, each senior professional must be evaluated on five mandatory critical elements: (1) Faithful Support of Administration of the Law and the President's Policies; (2) Government Efficiency; (3) Merit and Competence; (4) Partnership/Leadership/Mentorship; and (5) Achieving Organizational Goals.

2) How often must progress reviews be conducted?

Rating officials must conduct progress reviews with senior professionals at least quarterly. This requirement, previously established in the April 2025 Governmentwide Senior Professional Performance Appraisal System and Plan, is now codified in regulation at 5 CFR 430.507. During each progress review, rating officials must inform senior professionals how well they are performing against their performance plans, provide advice and assistance on improving performance, and may discuss available development opportunities.

3) What is the minimum appraisal period?

The minimum period of performance that must be completed before a performance rating can be assigned is 90 days. If a senior professional has not completed the minimum appraisal period at the end of the scheduled appraisal period, the agency must extend the appraisal period and prepare the rating of record as soon as practicable.

4) May an agency close out a senior professional's appraisal period early and issue a rating of record before the end of the scheduled appraisal period?

No. The SES appraisal regulations at 5 CFR 430.304(b)(5) permit an agency to close out an SES member's appraisal period at any time after the minimum appraisal period has been completed and issue a rating of record based on the shortened period. Subpart E does not include a comparable provision for senior professionals. Agencies may not issue a rating of record for a senior professional based on a shortened appraisal period.

C. Performance Ratings and Higher-Level Review

1) Has the final rule changed how an initial summary rating is derived?

No. The rating official evaluates the senior professional's performance against each critical element and applies a mathematical formula to derive an overall initial summary rating. Under the Governmentwide Senior Professional Performance Appraisal System and Plan, each element rating is assigned a point value (Level 5 = 5 points; Level 4 = 4 points; Level 3 = 3 points; Level 2 = 2 points; Level 1 = 0 points) and multiplied by the weight assigned to that element. The resulting scores are summed to determine the total score, which maps to one of the five summary performance levels. If any critical element is rated Level 1 (Unacceptable), the initial summary rating is Unacceptable regardless of the total score. The rating official documents the initial summary rating in writing and shares it with the senior professional.

2) May a senior professional respond in writing to an initial summary rating?

Yes. A senior professional may respond in writing to the initial summary rating. The written response must be provided to the PRB along with the initial summary rating and any higher-level review findings for consideration in the PRB's deliberations.

3) What is higher-level review and how does it operate under the final rule?

Higher-level review is an opportunity for a senior professional to request that a higher-level official review the rating official's initial summary rating before the rating is forwarded to the PRB. Under the prior non-SES regulations applicable to senior professionals under subpart B, only an initial summary rating of Level 1 (Unacceptable) required mandatory review and approval by a higher-level management official. The final rule replaces this narrow requirement with a broader process equivalent to SES higher-level review: any senior professional may request higher-level review of his or her initial summary rating regardless of the rating level received. The higher-level review official may not change the initial summary rating but may recommend a different rating to the PRB. Copies of the higher-level review official's findings and recommendations must be provided to the senior professional, the rating official, and the PRB.

4) Can a senior professional appeal a performance rating?

No. Senior professional performance appraisals and ratings under the new subpart E are not appealable beyond what is otherwise provided under applicable law and regulation. Senior professionals retain access to other available recourse mechanisms, including Equal Employment Opportunity (EEO) processes and, where applicable, Merit Systems Protection Board (MSPB) procedures. Employees serving in the Schedule Policy/Career excepted service do not have appeal rights before the MSPB.

5) Who assigns the rating of record?

The rating of record must be assigned by the approving official—the agency-designated official with authority to make SL or ST appointments—only after considering the written calibrated recommendations of the PRB. This authority may not be delegated to an official who does not have authority to make SL or ST appointments. The rating of record must be communicated to the senior professional in writing.

D. Performance Review Board (PRB)

1) What is the role of the PRB under the new subpart E?

Under the final rule, the agency-level PRB assumes responsibility for the centralized review of senior professional initial summary ratings and corresponding pay and award recommendations. The centralized review requirement remains in 5 CFR part 534, subpart E, but prior to the final rule, centralized review was performed by a separate panel designated by the agency head. The final rule, together with conforming amendments to 5 CFR 534.507, consolidates the centralized review function within the established agency-level PRB—the same board responsible for centralized review of SES performance ratings. This change eliminates the need for a separate centralized review panel for senior professionals and vests review authority in a single, experienced body with an agencywide perspective.

2) Which agencies must use their established PRB for senior professional centralized review?

Agencies that are subject to the SES and have ten or more senior professionals must use their established agency-level PRB to fulfill the centralized review requirements for senior professionals under 5 CFR part 534, subpart E. Agencies that are not subject to the SES and have ten or more senior professionals must establish a body equivalent to the PRB to conduct centralized review of senior professional ratings and pay actions. This body must fulfill the same responsibilities as the PRB under the final rule.

3) Are agencies with fewer than ten senior professionals required to conduct centralized review?

No. Agencies with fewer than ten senior professionals are not required to conduct centralized review under 5 CFR part 534, subpart E. However, such agencies must still ensure that all other applicable procedures under subpart E are followed, including providing the senior professional an opportunity for written response and, upon request, higher-level review (which will be considered by the approving official), before the approving official assigns the rating of record.

4) What are the PRB's specific responsibilities with respect to senior professionals?

The PRB, or its equivalent, must: (1) review the rating official's initial summary rating; (2) review the senior professional's written response, if any; (3) review the findings of any higher-level review; (4) conduct senior professional rating calibration in accordance with agency-established procedures; (5) ensure its rating recommendations to the approving official are consistent with OPM-established standardized distribution limits; and (6) make written recommendations to the approving official on the senior professional's rating of record, performance award, and pay adjustment.

5) What are the membership requirements for the PRB when reviewing senior professional performance?

The PRB, or its equivalent, must be comprised of a majority of career appointees when making recommendations about a career senior professional's performance, pay adjustment, or performance award, consistent with the membership requirements applicable to SES PRBs. For agencies subject to the SES, notice of the appointment of an individual to serve as a PRB member must be published in the Federal Register prior to that individual serving on the PRB.

E. Standardized Distribution

1) What is standardized distribution and why is OPM requiring it for senior professionals?

Standardized distribution is a requirement that agencies limit the percentage of senior professionals receiving the highest performance ratings. OPM is requiring standardized distribution because, as cited in the final rule, Governmentwide data show persistent rating inflation at Levels 4 and 5, which undermines the ability of agencies to meaningfully differentiate performance and appropriately recognize their highest performers.

2) When must agencies begin complying with the standardized distribution?

Beginning with the closeout of the FY 2026 senior professional appraisal cycle, agencies are required to adhere to OPM-established standardized distribution limits. The specific rating distribution caps will be communicated to agencies annually via OPM memorandum.

3) Which senior professionals are excluded from the standardized distribution?

In accordance with 5 CFR 430.505(d), OPM has excluded senior professionals appointed under Schedules C or G in the excepted service from standardized distribution requirements. Agencies should not include these appointees when calculating their distribution limits. See OPM guidance for a complete list of exclusions.

4) Will supervisors still evaluate my actual performance?

Yes. Ratings must still be based on actual job performance during the appraisal period and cannot assume a level of performance without evaluation. The rating official will assign an initial summary rating to be considered by the PRB (as applicable) during the agency's calibration process.

5) Does the final rule require establishing quotas for poor performers, such as requiring agencies to rate a certain percentage of their senior professionals at Level 1 ("Unacceptable")?

No. The rule does not require agencies to assign a specified percentage of employees a Level 1 ("Unacceptable") rating.

6) How should an agency calculate the number of senior professionals that may receive a given rating to comply with a standardized distribution limit that is established as a percent of the agency's total covered senior professionals?

Agencies should round down to the closest whole number and never round up. For example, if the agency has 48 covered senior professionals and OPM establishes that no more than 40% may receive a Level 4 or 5 rating: (48 * 0.4) = 19.2. Therefore, no more than 19 of the agency's total covered senior professionals may receive a Level 4 or 5 rating. A covered senior professional is a senior professional who is eligible to receive a rating of record and who is not appointed under Schedules C or G in the excepted service.

7) Why is rating calibration necessary, and what is the PRB's role in the calibration process?

Rating calibration is necessary to ensure that senior professional ratings of record are accurate, consistent across the agency, and compliant with OPM-established distribution limits. Initial summary ratings are assigned by individual rating officials, each of whom evaluates only the senior professionals he or she supervises. Without an agencywide review, ratings of record may reflect differences in how rating officials apply the performance standards rather than actual differences in performance. The PRB, which reviews senior professional initial summary ratings from across the agency, conducts calibration in accordance with agency-established procedures to compare initial summary ratings against the performance standards and against one another, identify inconsistencies, and ensure that the highest rating levels are reserved for the senior professionals whose performance most clearly warrants them. As part of calibration, the PRB may recommend a rating that differs from a rating official's initial summary rating, and the PRB's written recommendations to the approving official must be consistent with OPM-established distribution limits. Where an agency believes that the performance of its senior professional cohort warrants a waiver of

the distribution limit, the agency may request a waiver in accordance with OPM instructions and guidance.

F. Agency System Requirements and Next Steps

1) Will agencies need to submit the updated senior professional performance appraisal system and plan to OPM for approval, even if the agency previously implemented the system OPM issued on April 3, 2025?

No. Agencies should implement the updated senior professional appraisal system and plan for fiscal year 2027 and beyond. Because the updated Governmentwide senior professional system is designed to comply with applicable performance appraisal system regulations, an agency that replaces its OPM-approved FY 2026 Governmentwide senior professional appraisal system and plan with the updated Governmentwide senior professional system and plan is not required to resubmit the system to OPM for approval. Agencies should, however, include a copy of their updated appraisal system with their next request for SES or senior professional performance appraisal system certification. Any agency that is adopting the Governmentwide senior professional appraisal system for the first time (as opposed to replacing a Governmentwide system) must still request and obtain OPM approval prior to implementing the system.