

Appendix 3: Policy Template: Prohibited Personnel Practices for Schedule Policy/Career Employees

On January 20, 2025, the President signed Executive Order (E.O.) 14171, “Restoring Accountability to Policy-Influencing Positions Within the Federal Workforce.” E.O. 14171 reinstated and amended E.O. 13957, “Creating Schedule F in the Excepted Service.” Section 6(a) of E.O. 13957 directs federal agencies to “establish rules to prohibit the same personnel practices prohibited by section 2302(b) of title 5, United States Code, with respect to any employee or applicant for employment in Schedule Policy/Career of the excepted service.” With the publication of OPM’s final regulations concerning the implementation of Schedule Policy/Career, OPM is publishing a template policy on prohibited personnel practices to assist agencies with this requirement.

Agencies may use this template to adapt the protections and procedures. In doing so, they should ensure that employees are protected from the same practices prohibited under section 2302(b). OPM notes that it is not prescribing the precise procedures agencies must use to enforce these protections and agencies should feel free to adopt procedures conducive to their missions while ensuring applicants and employees obtain equivalent protections and timely, fair resolutions to any complaints.

Agencies must establish their internal policies within 30 days from the effective date of the Schedule Policy/Career regulations. Agencies may opt to issue an interim policy while working towards a more comprehensive policy.

For additional information, agency headquarters-level human resources offices may contact OPM at awr@opm.gov. Component-level human resources offices must contact their agency headquarters for assistance. Employees must contact their agency human resources offices for further information on this memorandum.

Policy Template: Prohibited Personnel Practices for Schedule Policy/Career Employees

Template General Instructions

1. The purpose of this template is to assist agencies with implementation of Schedule Policy/Career and the final rule adopted by OPM, “Improving Performance, Accountability and Responsiveness in the Civil Service.” Agencies are required under Section 6(a) of E.O. 13957, as amended, to establish rules to prohibit the same personnel practices prohibited by section 2302(b) of title 5, United States Code, with respect to any employee or applicant for employment in Schedule Policy/Career of the excepted service.
2. Pursuant to E.O. 14171, all Schedule Policy/Career employees – whether appointed or moved to such position – will be excepted from chapter 43 and 75 procedures for performance-based and adverse actions, and exempt from coverage under 5 U.S.C. 2302(b) because Schedule Policy/Career positions are excluded from 5 U.S.C. 2302(a)(2)(B)(i)-(ii).¹ Further, E.O. 14171 reinstated E.O.13957, thereby requiring agencies to “establish rules to prohibit the same personnel practices prohibited by section 2302(b) of title 5, United States Code, with respect to any employee or applicant for employment in Schedule F of the excepted service.”² In compliance with these orders, the template establishes rules that prohibit the same personnel practices prohibited by section 2302(b).
3. The template is presenting policy for an entire Executive agency, since the statutory framework giving rise to Schedule Policy/Career (e.g., 5 U.S.C. 3304(a)(1)) generally defines “agency” as an Executive agency. Thus, subcomponents of a department or independent establishment are not separate agencies. Only the head of the Executive agency is an “agency head” as referenced in this policy. The heads of subcomponents may be authorized to establish similar policies within the subcomponent.
4. In the template, text boxes are used to show template instructions or notes that would not be part of the policy document issued by the agency. Those instructions and notes are intended to assist agencies as they use the template to create an agency policy document. The template includes placeholders for agency name and date, which are shown in brackets and in green font.
5. Schedule Policy/Career employees are not automatically excluded from collective bargaining under 5 U.S.C. chapter 71. Employees may be represented by a labor organization at the time the President placed the position into Schedule Policy/Career. For such employees, agencies are advised to adhere to existing collective-bargaining agreements. Agencies should be aware that

¹ 90 FR 8625 (Jan. 31, 2025).

² 85 FR 67631 (Oct. 26, 2020).

while employees are statutorily excluded from coverage under chapters 43 and 75, they may be able to grieve similar matters under an existing collective bargaining agreement.

Policy Template: Prohibited Personnel Practices for Schedule Policy/Career Employees

[AGENCY NAME] Prohibited Personnel Practices policy for Schedule Policy/Career employees

This document sets forth agency policies regarding prohibited personnel practices effective on [DATE], which reflect updates required to bring the agency's policy into compliance with Executive Order 13957, as amended, and the Office of Personnel Management's (OPM's) regulations concerning the implementation of Schedule Policy/Career.

[Template Instruction: The effective date for these changes must be no later than 30 days from the effective date of OPM's Schedule Policy/Career regulations. While the OPM regulations concerning the implementation of Schedule Policy/Career were published on February 5, 2026 and took effect on March 9, 2026, agencies have until April 8, 2026 (30 days after the effective date), to issue internal policies consistent with the new laws and regulations.]

[AGENCY NAME] Policy: Prohibited Personnel Practices for Schedule Policy/Career Employees

a. Purpose

This policy establishes the [AGENCY NAME]'s standards and expectations regarding prohibited personnel practices (PPPs), as identified in 5 U.S.C. § 2302(b), for all employees and supervisors who have been appointed or moved to a Schedule Policy/Career position. Schedule Policy/Career employees may not seek corrective action before the Office of Special Counsel based on allegations of PPPs established under 5 U.S.C. § 2302(b). Instead, such employees will follow the procedures established under this policy when seeking corrective action. Therefore, this policy outlines the responsibilities of all [AGENCY NAME] employees and supervisors in preventing PPPs. Compliance with this policy is mandatory for all applicable personnel.

b. Policy Statement

It is the policy of the [AGENCY NAME] to ensure that all personnel actions are carried out fairly, transparently, and in strict adherence to applicable laws. [AGENCY NAME] employees, supervisors, and managers shall not engage in any prohibited personnel practice. Violations undermine the integrity of the federal civil service and may result in disciplinary action, including removal, as well as appropriate corrective action.

c. Scope

This policy applies to: All [AGENCY NAME] employees who have been appointed or moved to a Schedule Policy/Career position; all applicants for a Schedule Policy/Career position with [AGENCY NAME]; supervisors, managers, and executives; and [AGENCY NAME] officials with authority to take, direct, recommend, or approve personnel actions against applicants for or employees holding Schedule Policy/Career positions.

d. Authority

Pursuant to E.O. 14171, all Schedule Policy/Career employees – appointed or moved to such positions – are excepted from chapter 43 and 75 procedures for performance-based and adverse actions, and exempt from coverage under 5 U.S.C. 2302(b) because Schedule Policy/Career positions are excluded from 5 U.S.C. 2302(a)(2)(B)(i)-(ii).³ Further, E.O. 14171 reinstated and amended E.O. 13957, thereby requiring agencies to “establish rules to prohibit the same personnel practices prohibited by section 2302(b) of title 5, United States Code, with respect to any employee or applicant for employment in Schedule Policy/Career of the excepted service.”⁴ In compliance with these orders, this policy establishes rules that prohibit the same prohibited personnel practices described by section 2302(b).

e. Prohibited Personnel Practices

As described by 5 U.S.C. § 2302(b), no [AGENCY NAME] employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall, with respect to such authority, engage in any of the following actions:

1. discriminate for or against any employee or applicant based
 - a. on the basis of race, color, religion, sex, or national origin, as prohibited under section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16);
 - b. on the basis of age, as prohibited under sections 12 and 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 631, 633a);
 - c. on the basis of sex, as prohibited under section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d));
 - d. on the basis of a handicapping condition, as prohibited under section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791); or
 - e. on the basis of marital status or political affiliation, as prohibited under any law, rule, or regulation;

³ 90 FR 8625 (Jan. 31, 2025).

⁴ 85 FR 67631 (Oct. 26, 2020).

2. solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action unless such recommendation or statement is based on the personal knowledge or records of the person furnishing it and consists of:
 - a. an evaluation of the work performance, ability, aptitude, or general qualifications of such individual; or
 - b. an evaluation of the character, loyalty, or suitability of such individual;
3. coerce the political activity of any person (including the providing of any political contribution or service), or take any action against any employee or applicant for employment as a reprisal for the refusal of any person to engage in such political activity;
4. deceive or willfully obstruct any person with respect to such person's right to compete for employment;
5. influence any person to withdraw from competition for any position for the purpose of improving or injuring the prospects of any other person for employment;
6. grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment (including defining the scope or manner of competition or the requirements for any position) for the purpose of improving or injuring the prospects of any particular person for employment;
7. appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position any individual who is a relative (as defined in section 3110(a)(3) of title 5) of such employee if such position is in the agency in which such employee is serving as a public official (as defined in section 3110(a)(2) of title 5) or over which such employee exercises jurisdiction or control as such an official;
8. take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of—
 - a. any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences—
 - i. any violation of any law, rule, or regulation, or
 - ii. gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs;
 - b. any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences—
 - i. any violation (other than a violation of this section) of any law, rule, or regulation, or

- ii. gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or
 - c. any disclosure to Congress (including any committee of Congress) by any employee of an agency or applicant for employment at an agency of information described in subparagraph (b) that is—
 - i. not classified; or
 - ii. if classified—
 - 1. has been classified by the head of an agency that is not an element of the intelligence community (as defined by section 3 of the National Security Act of 1947 (50 U.S.C. 3003)); and
 - 2. does not reveal intelligence sources and methods.
- 9. take or fail to take, or threaten to take or fail to take, any personnel action against any employee or applicant for employment because of—
 - a. the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation—
 - i. with regard to remedying a violation of paragraph (8); or
 - ii. other than with regard to remedying a violation of paragraph (8);
 - b. testifying for or otherwise lawfully assisting any individual in the exercise of any right referred to in subparagraph (a)(i) or (ii);
 - c. cooperating with or disclosing information to the Inspector General (or any other component responsible for internal investigation or review) of an agency, or the Special Counsel, in accordance with applicable provisions of law; or
 - d. refusing to obey an order that would require the individual to violate a law, rule, or regulation;
- 10. discriminate for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others; except that nothing in this paragraph shall prohibit an agency from taking into account in determining suitability or fitness any conviction of the employee or applicant for any crime under the laws of any State, of the District of Columbia, or of the United States;
- 11. knowingly take, recommend, or approve any personnel action if the taking of such action would violate a veterans' preference requirement; or knowingly fail to take, recommend, or approve any personnel action if the failure to take such action would violate a veterans' preference requirement;
- 12. take or fail to take any other personnel action if the taking of or failure to take such action violates any law, rule, or regulation implementing, or directly concerning, the merit system principles contained in section 2301 of title 5;
- 13. implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement—

- a. does not contain the following statement: “These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.”; or
- b. prohibits or restricts an employee or applicant for employment from disclosing to Congress, the Special Counsel, the Inspector General of an agency, or any other agency component responsible for internal investigation or review any information that relates to any violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or any other whistleblower protection; or

14. access the medical record of another employee or an applicant for employment as a part of, or otherwise in furtherance of, any conduct described in paragraphs (1) through (13).

This policy shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress.

For purposes of paragraph 8(i), any presumption relating to the performance of a duty by an employee whose conduct is the subject of a disclosure as defined under 5 U.S.C. 2302(a)(2)(D) may be rebutted by substantial evidence, and (ii) a determination as to whether an employee or applicant reasonably believes that such employee or applicant has disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee or applicant could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.

f. Complaint Procedures

1. As determined by [AGENCY NAME], employees may file a complaint of an alleged PPP to the Office of General Counsel [OR AGENCY EQUIVALENT OFFICE], which is authorized to adjudicate violations of this policy.

2. Any complaint must be filed within 15 business days following the date of the act or event that the employee believes created the problem, or within 15 business days following the date the employee became aware of (or reasonably should have become aware of) the act or event.
3. An employee's complaint must contain a sufficiently detailed statement of the specific facts and PPPs, the remedy sought, and any documentation in the employee's possession supporting the complaint. If the factual circumstances arising in the complaint also concern a cause of action that is under the jurisdiction of another administrative body, then the complaint must separate out the PPP claims so that any other legally appropriate claims may be processed by the statutorily appropriate procedures.
4. The General Counsel [OR AGENCY EQUIVALENT OFFICIAL] will review the complaint, determine whether and how to initiate an investigation, and designate an unbiased agency official in the Office of General Counsel [OR AGENCY EQUIVALENT OFFICE] to adjudicate the complaint and issue corrective action, if necessary. The General Counsel [OR AGENCY EQUIVALENT OFFICIAL] may either investigate the complaint or delegate responsibility for conducting such investigation to officials in another agency office, but shall in all cases ensure that the investigation is conducted by an unbiased agency official.
5. The General Counsel [OR AGENCY EQUIVALENT OFFICIAL] or his or her designee will issue a written decision including any corrective action within 60 days from the date of the employee's complaint. The decision of the designated agency official becomes the final decision after 15 days and is not subject to further review; except that the [AGENCY HEAD or GENERAL COUNSEL] may reopen any decision and reconsider such decision de novo upon their own initiative within 15 days of issuance. The reconsidered decision becomes the final agency decision and is not subject to further review.

g. Nondisclosure and Whistleblower Protection

1. No [AGENCY NAME] policy, nondisclosure agreement, or directive may limit an employee's right to: report PPPs to Inspector Generals, Congress, or any other authorities permitted by law, rule, regulation, or policy.
2. No [AGENCY NAME] employee shall retaliate against an employee for filing a complaint or participating in the complaint resolution process under this policy. Prohibited retaliation includes but is not limited to harassment, taking or threatening to take an unfavorable personnel action, withholding, threatening, or recommending

withholding a favorable personnel action, or any other conduct designed to punish an employee covered under this policy for filing a complaint or participating in the complaint resolution process.