Implementing Schedule Policy/Career Briefing for Human Resources Practitioners – Updated June 8, 2026

U.S. Office of Personnel Management

Overview

- Purpose of today's briefing is to give human resources practitioners, attorneys, and other agency employees an overview of regulations establishing Schedule Policy/Career.
- These regulations implement Executive Order (EO) 13957, as amended, establishing Schedule Policy/Career as a schedule in the excepted service for career positions of a confidential, policy-determining, policy-making, or policy-advocating (i.e., policy-influencing) character.
- Employees appointed to Schedule Policy/Career positions are:
  - Hired using merit-based competitive procedures or excepted service procedures
  - At-will employees
  - Eligible for most of the same benefits as all federal employees
- Employees may continue to be represented by labor unions unless and until the Federal Labor Relations Authority (FLRA) removes them from a bargaining unit.

Implementation Timeline

- OPM issued the final rule amending various parts of title 5 of the Code of Federal Regulations on February 5, 2026.
- The President signed Executive Order *Implementing Schedule Policy/Career in the Excepted Service* on June 3, 2026 .
- The positions designated as Schedule Policy/Career in E.O. *Implementing Schedule Policy/Career in the Excepted Service* must be documented as such within **seven** calendar days after June 3, 2026 (i.e., June 10, 2026).
  - Notify employees in writing
  - Update position descriptions and HR systems
  - Prepare SF-50s
- Agencies must petition OPM to place only those positions in the competitive service, Schedule A, Schedule B, or Schedule D positions within the agency that the agency head determines to be policy-influencing and that are not normally subject to change as a result of a Presidential transition.

Implementation Timeline (Cont.)

- Agencies should have begun the process to:
  - Modify internal personnel policies necessary to conform to Schedule Policy/Career regulations, such as hiring, discipline, performance management, student loan repayment, and recruitment, relocation, and retention incentives (i.e., 3Rs).
  - Establish internal agency policy on prohibited personnel practices consistent with Section 6 of EO 13957.
  - Begin preparing bargaining unit clarification petitions with the FLRA as instructed under Section 5(e) of EO 13957.

OPM Guidance

- OPM published several guidance resources on www.opm.gov/schedulepc to assist agencies with implementing Schedule Policy/Career regulations:
  - Frequently asked questions and answers
  - Sample policies such as prohibited personnel practices, hiring, and compensation
  - Templates to process key personnel actions and notify employees of the impacts of Schedule Policy/Career
  - Brief, one-page documents to inform employees, supervisors and managers, and human resources practitioners concerning key features of the regulations

Key Features of Schedule Policy/Career

Recruitment and Hiring

- Agencies should advertise Schedule Policy/Career vacancies using the same methods utilized prior to the regulations.
- Agencies should include language in job announcements noting the distinctions of a Schedule Policy/Career position. OPM sample language is included in Section D of the Template for Executive Branch Agency Policies on Hiring Schedule Policy/Career Employees available on www.opm.gov/schedulepc.
- Schedule Policy/Career will continue to be filled using merit-based hiring procedures:
  - Positions previously in the competitive service will continue to be filled using competitive hiring procedures
  - Positions previously filled in the excepted schedule (e.g., Schedule A or B) will continue to be filled using those same procedures
  - Hiring must apply veterans' preference as provided for in law and OPM regulations

Recruitment and Hiring

- "Competitive Status" NOT "Competitive Service":
  - OPM amended 5 CFR part 212 to provide that employees with competitive status whose positions are subsequently listed in the excepted service or who are moved into an excepted service position retain competitive status but do not remain in the competitive service while in an excepted position.
  - New hires into Schedule Policy/Career or employees transferred from another excepted service may acquire competitive status after two years of continuous service.
  - Employees in the competitive service, but in their probationary period during their transfer into Schedule Policy/Career, will obtain competitive status after one year.
    - Schedule Policy/Career employees do not have a probationary or trial period.
- During onboarding, agencies should document unique characteristics of a Schedule Policy/Career appointment and require Schedule Policy/Career employees acknowledge receipt. OPM sample language is included in the Sample Notice to Applicant Selected for Schedule Policy/Career Position available on www.opm.gov/schedulepc.

Talent Development and Work/Life

- Public Financial Disclosure: Individuals reassigned or hired into Schedule Policy/Career positions may be subject to public financial disclosure reporting due to their positions being of a confidential or policy-making character. 5 CFR 2634.202(e).
- External Training: Agencies may continue to use appropriated funds to send Schedule Policy/Career employees to external training but may not select and assign such employees to academic degree training as defined in 5 USC 4107.
- Telework: Schedule Policy/Career employees are not prohibited under law or OPM guidance from participating in an agency's telework program.

Employee Performance

- Agencies should continue to set performance standards and rate Schedule Policy/Career employees at the end of their performance appraisal cycles.
- The establishment and use of performance plans should continue to follow all documentation requirements including placement in employees' official personnel folders.
- Schedule Policy/Career employees are excluded from the procedures established under 5 USC 4303 and 5 CFR Part 432 when addressing unacceptable performance.
- Agencies should not use performance improvement plans (PIPs) or unnecessarily place burdensome restrictions on their ability to address performance issues.

Compensation and Benefits

- Recruitment, Relocation, and Retention Incentives (3Rs): Schedule Policy/Career employees will not be eligible to receive 3Rs subject to exceptions established in regulations:
  - 3Rs service agreements will continue to be honored for the terms of the agreements subject to an agency's authority to terminate them consistent with the agreement.
  - Retention incentives paid in the absence of a service agreement may continue consistent with the agency's determination that payments are warranted under 5 CFR 575.311(f).
- Agencies will continue to retain discretion over other compensation flexibilities to assist in recruiting and retaining Schedule Policy/Career employees:
  - General Schedule (GS) superior qualifications and special needs pay setting authority (5 USC 5333 and 5 CFR 531.212)
  - GS maximum payable rate rule (5 CFR 531.221-223)
  - Critical position pay (5 USC 5377 and 5 CFR part 535)
  - Special salary rates (5 USC 5305 and 5 CFR part 530, subpart C)

Compensation and Benefits (cont.)

- Authority to approve creditable service for annual leave accrual rates (5 USC 6303(e) and 5 CFR 630.205).
- Awards: each agency may set aside a separate bonus pool, in addition to existing awards, to ensure that Schedule Policy/Career employees are appropriately compensated for their outstanding work. Further, OPM will issue a rulemaking to establish a separate Presidential award program specifically for Schedule Policy/Career employees.
- Federal Employees Health Benefits (FEHB): Schedule Policy/Career employees maintain eligibility for all FEHB programs.
- Leave: Schedule Policy/Career employees maintain the same leave accruals and eligibility as other federal employees.
- Student Loan Repayment Program (SLRP): Generally, Schedule Policy/Career positions cannot receive SLRP payments. However, agencies may honor current service agreements authorizing SLRP payments.
    - No new agreements may be established for Schedule Policy/Career employees.

Employee Accountability

- Schedule Policy/Career employees serve at-will:
  - Excluded from unacceptable performance and adverse action procedures; these are now "one-step" actions.
- Schedule Policy/Career employees retain protections under laws administered by the Equal Employment Opportunity Commission and Department of Labor (e.g., Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)).
- Prohibited Personnel Practices and Whistleblower Protections
  - Schedule Policy/Career employees excluded from coverage under 5 U.S.C. 2302(b). They do not occupy covered positions as defined under 5 U.S.C. 2302(a)(2)(B).
  - Section 6 of EO 13957 requires agencies to establish protections against prohibited personnel practices (PPPs) including whistleblower protections under agency internal policies.

Labor Relations

- Agencies should partner with their legal counsel to develop internal procedures and practices for ensuring personnel actions are legally defensible.
- Schedule Policy/Career employees are not automatically excluded from collective bargaining under 5 USC 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 (CBAs) consistent with EOs 14251 and 14343
  - Agencies should be aware that, 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

Labor Relations (cont.)

- EO 13957 instructs agencies to expeditiously file a unit clarification petition with the FLRA questioning whether Schedule Policy/Career employees should continue to be included in a bargaining unit:
  - 5 U.S.C. 7103(a)(11) and 7112(b)(1) exclude from collective bargaining positions that involve formulating, determining, or influencing agency policies, which will encompass most positions moved into Schedule Policy/Career.
  - After the President places positions into Schedule Policy/Career, agencies should prepare and file petitions. Consult with your agency's legal counsel for specific guidance.
- Proposals to bar employees or positions from moving into Schedule Policy/Career are nonnegotiable as this is a Presidential determination outside agency control, and agencies only bargain on matters within their discretion.

Separation and Retirement (cont.)

- As with any employee, agencies should document the reason(s) for the separation of a Schedule Policy/Career employee.
- A Schedule Policy/Career employee is potentially eligible for severance pay unless the agency documents in the employee notice unacceptable performance or conduct as the basis for the separation.
- No effect on retirement benefits: retirement eligibility is determined based on an employee's age and years of federal service.
- Eligibility for an immediate retirement would permit the former employee to retain their Federal Employees Health Benefits (FEHB) health insurance benefits provided they meet the eligibility requirements for continued coverage.

Important Notes

- Schedule Policy/Career is not appropriate as a workforce reshaping tool or a means to avoid following Reduction In Force (RIF) procedures:
  - OPM's RIF regulations and procedures will continue to apply to, and protect, Schedule Policy/Career employees, requiring that RIFs affecting these employees be carried out fairly and providing for appeal rights.
- Reminder: Agencies make written recommendations on which positions should be moved to Schedule Policy/Career to OPM, and OPM presents those recommendations to the President. As such, the President maintains the ultimate authority to move positions appointed under Title 5 to Schedule Policy/Career.
- Any recommendations, including those for employees appointed under authorities outside of Title 5, should include a written explanation documenting the basis for the agency head's determination that such position should be placed in Schedule Policy/Career.

Questions

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