

Needs Updating DRAFT 7/7/2003

Several Items including Pay & Awards Need Updating

Schedule C Questions & Answers (Q's & A's)

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You can find references herein to the:

- United States Code (U.S.C.) at uscode.house.gov and
- Code of Federal Regulations (CFR) at www.access.gpo.gov/nara/cfr

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About these Questions & Answers (Q's & A's) [TCv](#)

These Q's & A's discuss the laws, regulations, Comptroller General decisions and administrative procedures that affect Schedule C positions and employees. The Office of Personnel Management (OPM) developed these **Q's & A's** as a reference document for use by Schedule C employees (Schedule Cs), by personnel and human resources staff of Federal departments and agencies (agencies), by agency White House liaisons.

We recommend using the internet version of these **Q's & A's** at [www.opm.gov/employ/Schedule C Questions](http://www.opm.gov/employ/Schedule_C_Questions) (*future link*) for two reasons:

1. OPM will post updates under this URL; and
2. The html version has links in the Table of Contents and in the text to references identified which will enable you to retrieve references to the United States Code (U.S.C.) at uscode.house.gov and the Code of Federal Regulations (CFR) at www.access.gpo.gov/nara/cfr

Applicants for Schedule C and other non-career appointments with the Bush-Cheney administration may find information and procedures at www.whitehouse.gov/appointments. OPM does **not** provide information about job opportunities or application procedures for Schedule C jobs.

General Questions [TCv](#)

What is a Schedule C? *Reference: 5 CFR 1.4, Part 6, Part 213 and Part 214.*

A **Schedule C position** is a job in a Federal department or independent agency (hereafter, agency) that has a confidential or policy-determining relationship to a Presidential appointee or agency non-career appointee who is the position's supervisor.

A **Schedule C employee** (a Schedule C or Schedule Cs) is the incumbent of a Schedule C job and does work that requires a confidential or policy-determining relationship directly for a Presidential appointee or agency non-career official. This confidential or policy-determining relationship requires knowledge and support of the goals, viewpoints and philosophies of the supervisor, agency head and the President.

Schedule Cs help shape and implement administration policy. The President and Presidential appointees expect Schedule Cs to represent the administration's goals, viewpoints and philosophies as their own.

Why are Schedule C jobs in the excepted service? *Reference: 5 U.S.C. 2103, 5 CFR Part 6 and Part 213*

Administration officials evaluate and select applicants for Schedule C jobs in part for your knowledge and support of administration goals, viewpoints and philosophies. This "political" evaluation prevents an open and merit-based competition that Federal merit system law requires for **competitive service** jobs. Therefore, OPM "excepts" Schedule C jobs from the competitive service because the job's confidential or policy-determining nature makes merit-based competition impractical. When OPM, a law or executive order "excepts" a job from the competitive service, we put the position in the **excepted service**.

How is a Schedule C job created and filled? *Reference: 5 CFR Part 213*

[TCv](#)

Generally, the White House Presidential Personnel Office (PPO), the head of the agency or their designee and OPM work cooperatively to create Schedule C positions and to recruit and select a qualified candidate. The White House PPO decides how many Schedule C positions each agency will have. The

number of Schedule Cs in an agency will vary from one Presidential administration to another and will change during the President's term based on the President's goals, objectives and priorities.

When a Schedule C position becomes vacant the authority for the position is automatically revoked, unless the position was created by law or Executive order. When the authority is revoked, the agency must request:

- New authority from OPM to establish the position; and
- Clearance from the White House PPO to fill the position with their proposed incumbent.

Agency human resource staff members assist the agency head and their designees to review and amend the position description and use the Executive and Schedule C System (ESCS) to request Schedule C authority from OPM and clearance of the proposed incumbent from the White House PPO.

What is a Senior Level (SL) Schedule C position? *Reference: 5 CFR 213 and 317* [TCv](#)

Agencies that do not have Senior Executive Service (SES) positions, but need a confidential or policy-determining position above the General Schedule (GS) 15 grade level, may request authority from OPM to establish a Senior Level (SL) position under Schedule C. We call these positions (SL Schedule C positions). If the agency had SES authority, we would call the same position a SES General position.

What is a temporary transitional Schedule C (TTC) position? *Reference: 5 CFR 213.3302*

OPM has given new and acting agency heads authority to establish **temporary transitional Schedule C (TTC)** jobs; see 5 CFR 213.3302. During transition periods (the first year of a new Presidential or agency administration), an agency may establish a limited number of TTC jobs without prior OPM approval. TTC positions must report to a Presidential appointee or a SES General or Schedule C position. To fill a TTC position agencies must clear proposed incumbent with the White House PPO. A non-SES agency may use the TTC authority in combination with a Senior Level (SL) authority to hire TTCs at pay levels above GS-15. Agencies must report each TTC position filled to OPM within 3 working days.

When is OPM approval required for a Schedule C position? *Reference: 5 CFR 213.3301* [TCv](#)

Generally agencies need authority from OPM to establish a Schedule C position, when not using TTC authority. A few agencies (e.g., the Department of Agriculture) have authority by Executive order or law to establish Schedule C positions; see 5 CFR 6.8. Most agencies must obtain OPM approval each time they need a Schedule C because OPM cancels (revokes) Schedule C authority automatically when the incumbent leaves (vacates) the position.

Note: OPM provides guidance to agencies for requesting Schedule C authority. We ask agencies to submit requests for authority when the proposed incumbent's name goes to the White House for clearance. We process requests on a case-by-case basis and hold requests until the PPO clears the proposed incumbent. The Director of OPM acts on requests held in this manner within 24 hours of White House clearance of the proposed incumbent. We notify the agency within a few hours following the Director's approval.

When is White House PPO clearance required? [TCv](#)

The White House, Presidential Personnel Office (PPO), establishes requirements for clearing proposed incumbents. Generally, agencies must obtain White House PPO clearance of the proposed incumbent **prior to** filling any Schedule C job. Many agencies have an agency official called the White House Liaison. You may direct questions about White House PPO clearance process your agency's White

House Liaison or to the White House PPO. OPM does not oversee or answer questions about White House PPO procedures.

How can an agency hire a proposed Schedule C while awaiting clearance?

When an agency has an urgent need, the agency may hire a proposed Schedule C on a temporary basis under the special needs authority, 5 CFR 213.3102(i)(2), or the expert or consultant authority, 5 CFR 304.103(b)(6). The White House PPO may require agencies to obtain clearance prior to using these authorities to hire a proposed Schedule C.

What criteria does OPM use for Schedule C jobs? *Reference: 5 CFR 213.102(a) and 213.3301* [TCv](#)

OPM approves agency requests for Schedule C authority under the following three criteria.

1. **Confidential** - Jobs that require a close and confidential working relationship with a supervisor (the head of the agency or other key appointed official). This confidential relationship implies a knowledge and support of the supervisor's goals, viewpoints and philosophies, and the employee's willingness to represent them as his or her own.
2. **Policy-determining** - Jobs that make or approve substantive program policy and require a close and confidential working relationship with the head of the agency or other key appointed official. Usually, policy-determining positions are at grade levels equivalent to General Schedule (GS) 14 or above. For lower graded jobs we use the criteria for confidential jobs above.
3. **Secretarial** - Jobs that require administrative and staff assistant duties comparable to those commonly performed by a personal or confidential secretary or assistant, regardless of the job title. Schedule Cs in secretarial jobs report directly to one of the following key appointed officials:
 - A. Head or deputy head of an agency;
 - B. Assistant secretary or other principal assistant head of an agency; or
 - C. Head of a major component organization of a department or large agency.

Note: Most Presidential and administration appointees use competitive service (career) employees as trusted secretarial or administrative assistants.

How many Schedule C jobs are there? *Reference: Plum Book* [TCv](#)

The total number of Schedule C positions and their allocation among Executive agencies is established by Presidential policy and occasionally influenced by Congressional interest. During the last 20 years the total number of occupied Schedule C positions has fluctuated around 1450, \pm 300. Every 4 years, just after the Presidential election, Congress publishes the "United States Government Policy and Supporting Positions," commonly known as the *Plum Book*. The *Plum Book - 2000* lists 1287 occupied Schedule C positions as of September 1, 2000. The *Plum Book - 1996* lists 1507 occupied Schedule C positions as of September 1, 1996. The 1996 and 2000 *Plum Books* are available at <http://www.opm.gov/plumbook/>.

Where are current Schedule C positions listed? *Reference: 5 CFR 6.1 and 5 CFR 213.103* [TCv](#)

OPM publishes annually in the Federal Register a consolidated listing of Schedule C jobs occupied on June 30 of each year. In addition, each month OPM publishes a listing of newly established Schedule C jobs in the Federal Register. You can find the Federal Register notices issued by OPM since 1994 at www.opm.gov/fedregis by searching for "excepted service consolidated."

Where are Schedule C jobs located? *Reference: Plum Book www.opm.gov/plumbook*[TCv](#)

Most Schedule C jobs are located in agency headquarters locations, generally in the Washington, DC metropolitan area. However, some agencies also have Schedule C jobs located in regional offices. Cities with agency regional offices include: Atlanta, GA; Boston, MA; Chicago, IL; Dallas, TX; Denver, CO; Kansas City, MO; New York, NY; Philadelphia, PA; San Francisco, CA; and Seattle WA. The Department of Agriculture has State Director positions in every state. The location of Schedule C jobs is shown in the *Plum Book*, www.opm.gov/plumbook.

How does OPM verify its Schedule C records? *Reference: Interagency Report Request # 0115-OPM-QU*

OPM asks agencies once or twice a year to carefully compare their encumbered Schedule C positions to those listed in the Executive and Schedule C System (ESCS) and report corrections or confirm their list's accuracy. The Office of Management and Budget (OMB) has approved this semiannual agency report as a required interagency report.

Who can supervise a Schedule C? *Reference: 5 CFR 213.3301(a)*[TCv](#)

Schedule C jobs require a policy-determining or confidential working relationship with a supervisor who is a Presidential or administration appointee. Therefore, a Schedule C supervisor must be a:

- § Presidential appointee (PA) or (PAS) [*the S denotes "with Senate confirmation"*];
- § Senior Executive Service (SES) appointee in an SES General position; or
- § Schedule C appointee at an equal or higher grade level.

Note: A supervisor may delegate direction of specific activities to one or more work leaders. A Schedule C supervisor **must** retain active supervisory responsibility and limit the work leader's functions to those allowed by the General Schedule Leader Grade Evaluation Guide, www.opm.gov/fedclass/gslead.pdf. Supervisors may designate as a work leader for their Schedule C employee any employee with an equal or higher-grade level, including employees in competitive service and SES Career Reserved positions.

Can a Schedule C supervise other agency employees?

Yes, a Schedule C may supervise any other agency employee(s) who has an equal or lower grade. Schedule Cs may supervise both competitive service employees and other excepted service employees under Schedule A, Schedule B or Schedule C. Many Schedule C jobs have no supervisory duties.

Hiring a Schedule C [TCv](#)

Who can make a job offer and set the starting (entry-on-duty) date?

In most agencies **only** the agency's human resources officer, or their designee, has authority to make an official job offer and to negotiate an entry-on-duty (EOD) date. **No other administration or agency official can make a job offer or tell anyone when they can start working.**

What happens when the supervisory position is vacant? [TCv](#)

OPM will approve agency requests for Schedule C authority when the supervisory position is vacant. We provide this accommodation in cases where the supervisor is not yet on the agency's rolls, e.g., awaiting Presidential appointment, Senate confirmation, etc. Agencies may hire (appoint) a Schedule C when another agency official is acting in the supervisor's vacant position.

Who determines the job's occupational series and grade level?

The agency writes the position description and determines the appropriate series and grade level or pay rate based on the type and level of work required. In making these determinations, agencies may use an agency developed classification standard or OPM's *General Schedule Position Classification Standards*, www.opm.gov/fedclass/index.htm. OPM relies solely on the agency to carefully select a series and grade level that accurately reflect the type and level of work needed.

Note: Agencies need OPM and White House PPO approval to change the series or grade level of a Schedule C position.

Who determines the qualification requirements? *Reference: 5 U.S.C. 3320 & 5 CFR 302.101(c)*

The agency determines the qualification requirements for Schedule C jobs. The agency personnel officer will use the position description and may talk with the supervisor. The agency may develop an agency qualifications standard or use OPM's "**Qualifications Standards for General Schedule Positions.**" OPM's qualification standards are posted at www.opm.gov/qualifications/index.htm. OPM does **not** review the qualification requirements for Schedule C positions. OPM relies solely on the agency to establish qualification requirements that appropriately reflect the duties and responsibilities of the work required.

Who determines if a candidate or proposed incumbent is qualified? [TCv](#)

The agency determines if a candidate or proposed incumbent is qualified for a Schedule C job. In making qualification determinations, agency officials and human resources staff read the candidate's resume and other available information describing education, experience, and interests. The selecting official(s) evaluates the candidate's knowledges, skills and abilities (competencies) and political experiences and affiliations in relation to the work described in the position description (PD) and their personal requirements. The supervisor and/or selecting official(s) may request a telephone or in person interview or rely solely on the written record and the recommendation(s) of others.

OPM does **not** review the qualifications of candidates or proposed incumbents for Schedule C positions. OPM relies solely on agency and White House PPO officials to carefully investigate and evaluate proposed incumbents' education and experience levels to ensure that they meet the job's qualification requirements.

How does veterans' preference apply to Schedule C jobs? *References: 5 U.S.C. 1302(c) and 5 CFR 302(c)(7)*

Although regulations exempt Schedule C positions from appointment procedures that apply to other positions in the excepted service, the law and regulation require that “each agency ... follow the principle of veteran preference as far as administratively feasible and, on the request of a qualified and available preference eligible ... [to] furnish him/her with the reasons for his or her nonselection.” The law applies to all executive agencies and to candidates for Schedule C positions.

Under what conditions can agencies consider a non-citizen? *References: 8 U.S.C. 1324, Public Law 106-58 section 605, 5 CFR 8 and 213.*

The Federal Government gives priority to hiring United States (US) citizens, especially for jobs in the US. Because Schedule C jobs are in the excepted service, most agencies may consider and hire a non-citizen, who is a citizen of an "allied" country or other country excepted from the annual appropriations act ban on hiring noncitizens in the US. Prior to considering a non-citizen, the agency must determine that agency statutes, including the applicable annual appropriations act ban, permit employing (paying) persons from the non-citizen's country. Prior to hiring a non-citizen, the agency must obtain proof of the candidate's citizenship and Immigration and Naturalization Service (INS) authorization to live and work in the US. For more on hiring non-citizens in Federal jobs, read www.opm.gov/employ/html/non_cit.htm.

Note: Executive Order 11935, dated September 2, 1976, which limits the appointment of non-citizens in the competitive service does **not** apply because Schedule C jobs are in the excepted service.

Can agencies hire retirees for Schedule C jobs? *References: 5 U.S.C. 8344, 8468 and 5 CFR 553* [TCv](#)

Yes, agencies may hire a retiree; including a Federal retiree receiving retired military pay or a Federal civilian annuity. However, the law requires that agencies reduce (offset) the salary of Federal civilian service annuitants by the amount of the annuity. Although agencies may ask OPM to waive the salary offset under criteria in 5 CFR 553, OPM does **not** approve waiver requests for Schedule C jobs. Military retirees are **not** subject to an offset of salary or military retired pay.

Note: Federal civilian annuitants under the Civil Service Retirement System (CSRS), the Federal Employees Retirement System (FERS) and Foreign Service Retirement System (FSRS) are subject to salary offset when reemployed. For information see www.opm.gov/asd/hod/pdf/C100.pdf.

Who determines a Schedule Cs starting pay? [TCv](#)

The agency sets the starting pay using the pay laws and regulations that apply to the agency and to the position. Most Schedule C positions are covered under laws and regulations that apply to General Schedule (GS) and Senior Level (SL) positions. Some agencies set pay based on other agency-specific laws. Generally, Schedule C starting pay is **not** negotiable and equals the first (lowest) step of the job's grade in that geographic location. For current salary tables see www.opm.gov/oca/payrates/index.htm

More specific pay setting information for GS and SL jobs follows:

General Schedule (GS)-15 and below. *Reference: 5 CFR Part 531, Subpart B*

For GS positions the starting pay depends on the grade or pay level of the position. Generally, regulations require **new Federal employees to start at step 1 of the grade or pay level.** An agency may offer a Schedule C a step above step 1 **only** if the proposed incumbent is eligible under one of the two regulations below:

Highest Previous Rate (HPR), 5 CFR 531.203(d) - If the proposed incumbent has worked previously for the Federal Government at higher grade or for higher pay, the agency may be able to use the highest previous rate (HPR) regulations. [Here is where we add new pay language](#)

If you qualify under HPR regulations, the hiring agency **may** give you the highest step for which you qualify or offer you any lower step or pay level.

Superior Qualifications Appointment (SQA), 5 CFR 531.203(b) - In **unusual** circumstances agencies may offer a Schedule C a step above step 1 based on SQA regulations. Agencies must base such offers solely on the proposed incumbent's superior qualifications or the special need of the Government for their skills and abilities, 5 U.S.C. 5333. The agency must clearly document the superior qualifications or special need, 5 CFR 531.203(b)(4). Agencies **may** use SQA **only** when the proposed incumbent is entering Federal civilian service for the **first** time or returning to Federal service **after a break of 90 calendar days or more** from a prior Federal civilian job in **any branch** of Government.

Note: Before filling a TTC or other temporary appointment, the agency should consider the impact of a temporary appointment on the proposed incumbent's future ability to qualify for a Superior Qualifications Appointment (SQA). The agency **must** use SQA procedures to make the TTC or other temporary appointment. If proposed incumbent is a Federal civilian employee (includes Congressional and Judicial branch employees) regulations, 5 CFR 203(b)(2), describe seven unusual exceptions to the 90-day break in service requirement.

Senior Level (SL) positions - Reference: 5 CFR 534, Subpart E

For SL Schedule C jobs the agency may set your pay at not less than 120 percent of the minimum rate of **basic** pay payable for GS-15 positions in the General Schedule and not more than the rate of basic pay payable for Level IV of the Executive Schedule. Within that SL pay range the agency **may** determine a proposed incumbents starting pay without regard to any existing SL jobs.

How long does a Schedule C job last? Reference: 5 CFR 213.102(a)

[TCv](#)

OPM does not limit the duration of a Schedule C authority except by agency request. Most Schedule C jobs continue for the duration of the Presidential or agency administration. A new Presidential administration generally asks all Schedule Cs to submit resignations. Unless your agency head or supervisor is not subject to removal by the President or agency head, Schedule C will either submit their resignation or wait until the agency involuntarily separates (removes) them. The new Presidential and agency administration may ask you to stay on during a transition period or indefinitely. Those Schedule C jobs protected from changes in administration usually end when the supervisor leaves or when the new supervisor's confidential assistant is hired.

Agencies may make a Schedule C authority [temporary or time limited](#) by adding a not-to-exceed (NTE) date to the appointment. However, because agency officials may involuntarily separate (fire) a Schedule C without notice, agencies use NTE dates only for special projects of known duration.

Note: If your job is temporary or time-limited, your Notification of Personnel Action, SF 50, will contain a not-to-exceed (NTE) date in box 5-B or 6-B, "Nature of Action."

Temporary - When the period between the effective date and NTE date (the duration) is less than 1 year, we call the appointment temporary. Employees under temporary appointments earn annual and sick leave, but do not receive civil service retirement or health and life insurance benefits. The time limit in 5 CFR 213.104(b) applies to temporary positions and the position cannot exceed 2 years.

Time-limited - When the duration is 1 year or longer we call the appointment time-limited. Agencies may extend temporary and time-limited appointments unless the extension is contrary to regulations or to the OPM authority for the position. Employees under time-limited appointments receive all benefits including retirement, health and life insurance benefits.

Temporary transitional Schedule C (TTC) positions *Reference: 5 CFR 213.3302(c)* [TCv](#)

During the 1-year period following a change in Presidential or agency administration, agencies may appoint individuals approved by the White House, Office of Presidential Personnel (PPO), for **up to 120 calendar days** to fill TTC positions. Agencies may extend a TTC appointment to the 240-day limit as long as the appointment began during the 1-year period. ***While agencies may end TTC employment without notice, usually agencies end employment on the not-to-exceed date.***

With appropriate PPO and OPM approvals, agencies may reappoint (convert) a TTC employee to another non-career appointment (Schedule C, non-career SES, or Presidential appointment). However, if an agency reappoints a TTC employee to another TTC position, the new TTC position must be in another component or ***require/include*** a substantially different function in the same component. Agencies must obtain OPM authority to convert a TTC employee to a Schedule C.

Notes:

1. Each appointment to a new TTC position starts a new 120-day period, 5 CFR 213.3302(c). Agencies may extend TTC appointments up to the 240-day limit as long as the first appointment to the position occurred during the 1-year transition period.
2. A new **agency** administration starts with the entry-on-duty (EOD) of an **acting** agency head as the result of agency succession, as established in law or regulation, or by Presidential detail under 5 U.S.C. 3347, **but not** when the agency head is temporarily absent (usually on annual, sick or other leave).
3. The reelection of an incumbent President begins a new Presidential term, **not** a new administration. Likewise, the reappointment of incumbent agency head does **not** begin a new agency administration, unless there is an intervening agency administration with an appointed agency head or OPM determines otherwise.

What benefits do Schedule C employees earn? [TCv](#)

You will earn benefits equal to other Federal employees who have your work schedule (full-time, part-time or intermittent) and appointment duration (indefinite, time-limited or temporary). TTC employees receive the same benefits given other temporary Federal employees.

Paid and Unpaid Leave *Reference: www.opm.gov/oca/leave/html/factindx.htm*

Sick - You will earn sick leave (S/L) at the rate of 1 hour for every 20 paid hours. For more information see www.opm.gov/oca/leave/html/sicklvt.htm .

Annual - You will earn annual leave (A/L) based on the amount of your creditable Federal service. If you have:

1. Less than 3 years service, your rate is 1 hour for every 20 paid hours;
2. More than 3 years of service, but less than 15 years; your rate is about 1.5 hours for 20 every 20 paid hours; and
3. More than 15 years of service, your rate is 2 hours for every 20 paid hours.

For more information see www.opm.gov/oca/leave/html/annual.htm .

Holidays - You will be paid for holidays based on your work schedule. Generally, full-time employees are paid for 10 Federal holidays, for a list of holidays see www.opm.gov/fedhol/index.htm. If you work a part-time or intermittent schedule, generally you will be paid for the holiday only when your basic workweek, 5 CFR 610.102, or basic work requirement, 5 U.S.C. 6121(3), is scheduled on the holiday. Ask your agency leave specialist how the holiday pay rules apply to your situation.

Family and Medical Leave - You should discuss your need and your work conflicts with your supervisor. Federal employees, including temporary employees, may use up to 12 weeks of **unpaid** leave during any 12-month period for the:

1. Birth of a child or the care of a newborn;
2. Placement of a child with you for adoption or foster care;
3. Care of a spouse, son or daughter, or parent with a serious health condition; and
4. Employee's own serious health condition that makes him/her unable to perform the duties of their job.

You may substitute annual or sick leave, when appropriate, for unpaid leave. For more information see www.opm.gov/oca/leave/html/fmlafac2.htm .

Other leave - If you have a special circumstance, you may qualify to receive court leave, military leave, leave for bone marrow or organ donation, leave bank and other types of approved leave including leave without pay (LWOP). For more information see www.opm.gov/oca/leave/html/factindx.htm .

Retirement and health and life insurance benefits. You will earn these benefits unless you are on a temporary appointment (job). If your appointment (job) is temporary, includes all TTCs, you do **not** earn retirement and health and life insurance benefits unless your appointment is **provisional**. Temporary your Notification of Personnel Action, SF 50, has a NTE date less than 1 year from the starting date. We provide more information at the web sites below:

Federal retirement programs - www.opm.gov/retire/index.htm and www.tsp.gov .

Federal Employees Health Benefits (FEHB) - www.opm.gov/insure/health/index.htm .

Federal Employees' Group Life Insurance Program (FEGLI) - www.opm.gov/insure/life/index.htm .

Other agency supported benefits. Many agencies provide employees with additional benefits such as counseling, public transportation, parking, and child care assistance. Contact the benefits counselor through your agency personnel of human resources office.

What benefits do temporary transitional Schedule Cs (TTC) earn? [TCv](#)

[TTCs](#) earn annual and sick leave and may qualify for other agency-supported leave benefits. TTCs do **not** earn retirement and health and life insurance benefits because of the temporary nature of the job.

Under what conditions can an agency give a TTC employee full benefits? *Reference: 5 CFR 316.403*

Although generally [TTC](#) employees do **not** earn retirement and health and life insurance benefits, when criteria in 5 CFR 316.403 are met your agency **may** make a TTC appointment "**provisional**." For example, **if** you have been, or soon will be, nominated for a regular (non time-limited) appointment (regular Schedule C, a non-career SES position, or Presidential appointment) your agency **may** make your temporary or TTC appointment "provisional." However, you are **not** entitled to these benefits. The decision to make a TTC appointment "provisional" is based solely on agency policy and the selecting official's recommendation.

When can a recruitment or relocation bonus or a retention allowance apply? *Reference: 5 CFR 575*

Generally, you will **not** qualify for a recruitment or relocation bonus or retention allowance. While regulations permit agencies to consider their use with Schedule C positions, it is difficult for Schedule C positions to meet all regulatory and procedural requirements. In addition, agencies need prior Presidential Personnel Office clearance to using these recruiting and retention tools for Schedule C and other non-career jobs.

Can a current Federal employee become a Schedule C? *Reference: 5 CFR 302.102*

[TCv](#)

Yes, it is possible, but this rarely happens. Agencies may nominate anyone for a Schedule C job, including any current competitive or excepted service Federal employee. If the agency head and the White House, Office of Presidential Personnel, clear the proposed nominee, you will get a new appointment (be converted) to a Schedule C appointment. If you are a competitive service employee in a non-temporary appointment, regulations, 5 CFR 302.102, require your agency to tell you that accepting the Schedule C job will remove them from the competitive service. In addition, your agency must obtain a written statement from you that your leaving the competitive service is voluntary.

How do agencies document appointments to Schedule C positions? *Reference: GPPA*

[TCv](#)

OPM provides agencies guidance on processing Schedule C appointments in the Guide to Processing Personnel Actions (GPPA), Chapter 11, Excepted Service Appointments. The GPPA is posted on the web at www.opm.gov/feddata/gppa/gppa.htm. Your agency prepares a Notification of Personnel Action - SF 50 to document appointments and will give you a copy for your permanent records.

The following highlights GPPA requirements for appointments to Schedule C positions:

1. **Schedule C non-temporary appointments** - Agencies use Nature of Action Code (NOAC) 170 - Exc Appt or NOAC 570 - Conv to Exc Appt, and Legal Authority Code (LAC) Y7M. Agencies cite as the legal authority Sch C, 213.33_ _, inserting the two numbers of the appointing authority assigned to the agency by OPM. [Appendix A](#) lists these authority numbers.
2. **Schedule C Temporary and time-limited appointments** - Agencies use NOAC 171 - Exc Appt NTE (date) or NOAC 571 - Conv to Exc Appt NTE (date), and LAC Y7M. Agencies cite as the legal authority Sch C, 213.33_ _, inserting the 2 numbers of the appointing authority assigned to the agency by OPM. [Appendix A](#) lists these authority numbers.
3. **Temporary transitional Schedule C (TTC) appointments** - Agencies use NOAC 171 - Exc Appt NTE (date) or NOAC 571 - Conv to Exc Appt NTE (date), use LAC Y9K, and cite as the legal authority Sch C, 213.3302(a). **To extend** appointments up to the 240 days limit, agencies use NOAC 760 - Ext of Appt NTE (date), LAC Y9K, and cite the legal authority Sch C, 213.3302(c).
4. **[Provisional](#) TTC appointments** - Agencies use NOAC 190 - Provisional Appt NTE (date) or NOAC 590 - Conv to Provisional Appt NTE (date), and LAC Y9K. The legal authority is Sch C, 213.3302(a).

Must agencies report the entry-on-duty (EOD) date?

[TCv](#)

Yes, both OPM and the White House expect agencies to report the entry-on-duty (EOD) date of each Schedule C employee within 5 working days. OPM has given agency Human Resource Office staff

specific guidance for reporting EOD dates of all Schedule Cs, including TTCs. The White House regularly uses OPM records for tracking and other administrative purposes.

Training, working, evaluating and rewarding Schedule C employees

Who provides new employee orientations? [TCv](#)

Agency Personnel or Human Resources Offices give new employees a general orientation to Federal employment, the agency, written materials you are expected to read, and forms that you must complete and return. In addition, you should meet with your supervisor and your agency's White House Liaison to discuss your role and their expectations.

When can I request an advance in pay? *Reference: 5 CFR 550 subpart B*

During the first 60 days, most newly-appointed employees, including Schedule Cs, may request an advance in pay. If you meet criteria in 5 CFR 550, subpart B, your agency **may** approve your request and give you an advance in an amount up to 2 pay periods of your basic pay. Agencies will recover the advance by salary offset over an agreed upon period, but not longer than 14 pay periods.

Are there special briefings provided for new Schedule C employees? [TCv](#)

Yes, periodically OPM schedules briefings for new Schedule C employees. You may contact your agency's White House Liaison or OPM's Office of Executive Resources Management, 202-606-1225, for information on registering for the next briefing.

How do the standards of ethical conduct apply to me? *Reference: 5 U.S.C. #####, 5 CFR 2635*

You are subject to the same laws and regulations on standards of conduct that apply to other employees. The U.S. Office of Government Ethics (OGE) has issued Standards for Ethical Conduct for Employees of the Executive Branch as 5 CFR 2635. OGE's web site is www.usoge.gov. Each agency has a Designated Agency Ethics Official (DAEO) and an Alternate DAEO. These officials, assisted by supporting ethics officials in larger agencies, provide counseling and advisory services. Some agencies have additional agency ethical standards. You should read the materials provided by your agency. If you have questions about how the 14 basic principles of ethical conduct in 5 CFR 2635, or your agency's standards, apply to your situation, you may contact your DAEO.

Do political activity limitations (Hatch Act) apply to me? *Reference: 5 CFR 734* [TCv](#)

Yes, you are subject to the limitations on political activities in the Hatch Act. In addition, employees in certain agencies or offices, listed in regulation, are covered by more restrictive standards than other Federal employees. You should read any materials provided by your agency. You may contact your agency's General Counsel or Hatch Act specialist with questions. Your agency's General Council may forward questions to the Office of the Special Counsel (OSC) at 202-653-7143 (e-mail: Hatchact@osc.gov). OSC provides Hatch Act information at www.osc.gov/hatchact.htm.

When can my agency pay for my training? *Reference: 5 CFR 410* [TCv](#)

Agencies may provide (pay for) training Schedule Cs in "fields which will improve individual and organizational performance and assist in achieving the agency's mission and performance goals,"

5 U.S.C. 4101(4). This training must be consistent with agency policy and procedures. Generally, your agency-sponsored (paid) training will be directly related to official duties. It is extremely difficult to justify agency payment or reimbursement for long term and general training. Agencies **cannot** pay for degree related courses (see restriction below).

Training is an investment in human resources from which an agency must expect a return. Agency training programs are established to meet organizational needs that are best accomplished by building a permanent cadre of skilled and efficient Government employees. To protect the Government's interest, agencies usually require employees to work for the Government for at least three times the duration spent training, 5 U.S.C. 4108(a)(2). Generally, agencies **cannot** pay for or give you time off for long term or general knowledge training because of the uncertain duration of your employment.

Restriction on degree-related training - 5 U.S.C. 4107(b)(3) and 5 CFR 410.308 prohibit agencies from assigning, paying, or reimbursing for degree-related training or courses “on behalf of any employee occupying ... [a] position which is excepted from the competitive service because of its confidential policy-determining [Schedule C] ... character.”

Can any agency employee be “detailed” to a Schedule C job? *Reference: 5 CFR 300.301*

A detail is a temporary assignment to a different position or set of duties without formal reassignment. Yes, agencies may detail any agency employee to a vacant Schedule C position; however, such details are rare for the following three reasons:

1. OPM authority for Schedule C positions ends (is revoked) when the incumbent leaves (vacates);
Note: A vacant Schedule C position exists only if the Schedule C incumbent is temporarily absent, i.e., on leave or on a detail; or the agency has authority by law, Executive order or regulation to establish a Schedule C position.
2. Schedule C work requires an employee who knows and publicly supports the goals, viewpoints and philosophies of the administration; and
3. Details to Schedule C positions, including TTC positions, require prior clearance from the White House, Office of Presidential Personnel.

Are part-time, intermittent and special work schedules available?

[TCv](#)

Generally, Schedule C jobs require **full-time** work schedules and **day time** work hours. The supervisor and agency officials determine the work schedule (*full-time, part-time, intermittent, seasonal, compressed, etc*) and tour of duty (*day, evening, night, etc.*) that best meets the agency’s need to get the work done. Your supervisor may change your work schedule and/or tour of duty at any time by providing written notice before the affected pay period begins.

Note: Supervisors may accommodate requests for part-time and intermittent work schedules if the required work and agency policy allow. Agency officials will consider requests for reasonable accommodation due to illness and family emergencies on a case-by-case basis.

Are flexible and alternate work schedules and telecommuting available[TCv](#)

Some agencies and offices employees in certain jobs may request flexible and alternate work schedules and permission to telecommute. If these alternatives apply to your office and job, your supervisor will determine **if** and how these options apply to you.

Generally, close and confidential working relationships require substantial personal contact. Many supervisors expect and appreciate employee efforts to adapt their work schedule to best support their supervisor's activities.

Note: Agency officials will consider requests for reasonable accommodation for illness, family emergencies and other personal reasons on a case-by-case basis.

When can I earn overtime pay and compensatory time off?[TCv](#)

References: 5 U.S.C. 5542 and 5543 and the Fair Labor Standards Act B 29 U.S.C. 207

Generally, you can earn overtime or compensatory time off **only when required or approved in advance** by your supervisor. More specifically, most Schedule C jobs are **exempt** from (not covered by) the overtime pay provisions of the Fair Labor Standards Act (FLSA). Most Schedule C work qualifies for a FLSA exemption in 5 CFR 551, subpart B. Even jobs at grade levels GS - 5 and 7 may meet the "administrative exemption criteria" in 5 CFR 551.206. Your Notification of Personnel Action, SF 50, shows your FLSA coverage, **Exempt (E)** or **Nonexempt (N)**, usually in item 35. You may contact your agency personnel or human resources officer with questions about the FLSA coverage assigned to your job.

Exempt - Employees in **exempt** jobs **earn overtime** pay or compensatory time off **only when** overtime work is **ordered or approved**. Generally, supervisors expect exempt Schedule Cs to get the job done without reliance on overtime pay or compensatory time off. Your agency or supervisor may require you to get prior approval to work overtime, including overtime for which compensatory time off is earned. Your supervisor may require you to shift work hours by giving you notice before the workweek begins. In addition, if you have flexible hours, your supervisor may expect you to voluntarily shift your work hours to best accomplish your work.

Nonexempt - Employees in **nonexempt** jobs **are entitled to overtime pay for work in excess of 8 hours a day or 40 hours a week**. Supervisors **cannot** suffer (ask) or permit nonexempt employees to work overtime without approving overtime pay or compensatory time off in lieu of overtime pay. Your agency or supervisor may require you to get prior approval to work overtime. In addition, supervisors may require you to shift work hours by giving you notice before the workweek begins or, if you have flexible hours, by asking you to shift your hours voluntarily.

Supervisors expect you to exclude time for lunch and personal activities from hours worked.

Note: **For exempt employees** overtime pay is limited by law, 5 U.S.C. 5542, to the overtime rate for grade GS-10, step 1. In addition, the law, 5 U.S.C. 5547, limits premium pay, which includes overtime pay, so that your basic pay plus premium pay **cannot** exceed the biweekly rate for grade GS-15, step 10. These laws increase the desirability of compensatory time off for higher graded jobs.

When do I get a performance appraisal? *Reference: 5 CFR 430.202*[TCv](#)

Agency performance management plans generally require appraisals for Schedule Cs. Usually, agency plans require appraisals at least annually except when employment is not reasonably expected to exceed

the minimum period for appraisal established in the agency's plan. You may ask your agency personnel or human resources officer what your agency's performance management plan requires.

When do Schedule Cs qualify for performance awards? *References: 5 CFR part 451*

[TCv](#)

Regulations permit Schedule Cs to receive agency and Presidential awards, both honorary and cash awards, based on:

- Exceptional performance, commonly referred to as performance awards; or
- Other contributions, including suggestion or invention, commonly referred to as special act or service awards.

Generally, agencies have broad authority to grant awards. However, in 1993, the Office of Presidential Personnel (PPO) asked agencies **not** to give cash awards to Schedule C and other political employees above the GS-12 level. For Schedule Cs at grade levels GS-12 and below (or equivalent) PPO guidance provides honorary and cash awards only for performance that is clearly exceptional. The PPO asked agencies to recognize political employees above the GS-12 level through the "prudent use of nonmonetary awards." Agencies may request PPO clearance for an exception when the situation clearly requires a monetary award.

Limitation: 5 U.S.C. 4508 prohibits granting awards to politically appointed officers during the Presidential election period. This prohibition applies to **all** Schedule Cs regardless of grade level, and extends from June 1 to January 20, surrounding a President election, 5 CFR 451.105(a)(2). The law does **not** apply to [quality step increase](#) (QSI) or promotion actions.

When may my agency give me a quality step increase (QSI)? *Reference: 5 CFR 531.503*

[TCv](#)

Schedule Cs are covered by the Federal performance management system in 5 U.S.C. 4301, by performance management guidelines in 5 CFR 430 and by internal agency performance management policies. Therefore, supervisors may recommend a Quality Step Increase (QSI) to recognize a your sustained outstanding performance. The effective date of a QSI **must** postdate the end of your first appraisal period **and** the completion of your performance evaluation.

Supervisors must follow established agency policy and 5 CFR 531, subpart E, when recommending a QSI. Generally, agency policy contains minimum time requirements for appraisal periods. In addition, agencies **cannot** give a QSI to an employee who has received a QSI "within the preceding 52 consecutive calendar weeks." 5 U.S.C. 5336 and 5 CFR 531.505. Further, although QSI's are not limited during Presidential election periods by 5 U.S.C. 4508, they may be subject to guidance periodically issued by the White House, Office of Presidential Personnel.

What changes require White House or OPM clearance, approval or notification?

[TCv](#)

Supervisors may change work assignments to meet the needs of their office and make other changes that do **not** change one of the areas listed below. Agencies must document and request approval for any change or accumulation of changes that affect one or more of the areas below.

Agencies need **prior** clearance from the White House, Office of Presidential Personnel, for change(s) proposed to the six areas listed below. Agencies also need **prior** OPM approval for changes to areas 1 through 5 below, except when the agency uses authority in law or Executive order to establish the Schedule C job.

ITEM	CHANGES REQUIRING APPROVAL	TCv
1. Grade level	Any change	
2. Position title	Any change	
3. Occupational series	Any change	
4. Reporting relationship	Change in supervisory position or supervisor's title	
5. Duty station location	Change to location outside the commuting area	
6. Organizational alignment	Agencies must report or change in organization title and alignment (reorganization) that affects a Schedule C position.	

- Notes:**
1. The effective date of personnel actions implementing the changes to 1 through 5 above, including promotions and reassignments, may be **on or after** the date of OPM's approval, as appropriate under agency procedures.
 2. When agencies use special (non-OPM) authority, OPM asks the agency to report the position and the changes above when they become effective.

Can agencies promote, reassign or transfer me? [TCv](#)

Yes, agencies may propose and request White House clearance to promote, reassign or transfer you. In addition, when an agency needs authority for the position, the agency needs OPM approval for these changes. The effective date of personnel actions implementing these changes must be **on or after** the date of OPM's approval.

Can my agency detail me to another job? *Reference: 5 CFR 6.5; part 213, 300.301; and 317.903(c)*

A detail is a temporary assignment to a different position or set of duties, in your agency or another agency, without formal reassignment. If you continue to carry out the functions of your job and also perform **some** of the duties of another job for a limited time (e.g. while the position is vacant or the incumbent is on leave) you are not detailed. Your agency should **not** ask or assign you to perform substantial duties of a vacant **competitive service** job without prior OPM approval, 5 CFR 6.5.

In unusual situations, agencies may detail a Schedule C (you) to a Schedule C or other **excepted service** job in your agency or in another agency. Agencies **cannot** detail you to a **competitive service** job **without prior approval** from OPM, 5 CFR 6.5.

If you are detailed, you remain in your position of record and are paid by your office/agency of record and keep the **same** status and pay. Agency details must comply with applicable law, regulation and Comptroller General (Comp. Gen.) decisions. When a detail to another agency or function lasts longer than 30 days, Comp. Gen. decisions may require the receiving office to reimburse the loaning (your) office - see [Note 2](#) below.

Details to competitive service positions, 5 CFR 6.5 - Civil Service Rule 6.5 requires **prior** OPM approval for details to competitive service positions. During the last 20 years OPM has not received a request for this approval. Absent an emergency (war or major natural disaster) that suspends civil service rules, we cannot imagine a combination of rare and unusual circumstances that would warrant OPM approval.

Details to excepted service positions - Two factors make details rare and unusual occurrences, other than to a temporary transitional Schedule C (TTC) position:

1. The White House, Office of Presidential Personnel, requires prior clearance to detail a Schedule C employee (even to a TTC position).
2. OPM automatically revokes its authority for a Schedule C position when the position becomes vacant, 5 CFR 3301(c). Therefore, a vacant Schedule C position exits only when the”
 - Schedule C incumbent is temporarily absent, i.e., on leave or on detail; or
 - Agency has authority by law, Executive order or regulation to establish a Schedule C position (e.g. a TTC position); or
 - Agency has authority from OPM to create a Schedule C job for the purpose of the detail.

Notes:

1. **Details to the White House** - The law, 3 U.S.C. 112, requires that details from agencies to the White House for more than 180 days in a fiscal year be reimbursable. In addition, the annual civil service appropriations act (currently section 617 of Public Law 106-58) requires agencies to certify that the Schedule C position “was not created solely or primarily to detail the employee to the White House.”
2. **Comp. Gen. B-224033, January 30, 1987** - This decision requires reimbursement by the receiving organization (agency) unless the detail:
 - Involves matters similar to matters ordinarily handled by the loaning agency;
 - Obtains a service that cannot be obtained by other means; and
 - Involves minimal cost or time.
3. **Agency specific law** - Periodically, in some cases annually, a law will restrict the ability to detail agency employees. Agencies must comply with laws that apply to the agency or situation. For example: the Agriculture Appropriations Act of 1996, Public Law 104-180, section 730, limits nonreimbursable details in some departmental organizations to 30 days.

Can I be assigned under the Intergovernmental Personnel Act (IPA)?[TCv](#)

No, Schedule C employees may **not** be considered for temporary assignment under the Intergovernmental Personnel Act (IPA). The definition of employee in 5 CFR 334.102 excludes Schedule Cs from consideration for IPA assignments.

What happens when my supervisor leaves?

When a Schedule C supervisor leaves, the confidential relationship ends. Frequently the Schedule C resigns or the agency involuntarily separates the Schedule C at the same time or soon thereafter. To retain you, the agency may designate another official to act in the vacant supervisory position or reassign you to another agency official. In some cases, the agency White Liaison or PPO can help you find another Schedule C job. If possible, you should discuss your options with your supervisor **before** they leave.

Note: Agencies need White House and OPM approval to reassign you or to change your organizational location.

Leaving a Schedule C job**Can I apply for private sector and state or municipal government job vacancies?**[TCv](#)

Yes, you can apply and discuss possible employment while employed as a Schedule C. However, several important restrictions apply. A criminal conflict of interest law, 18 U.S.C. 208, prohibits you from working on matters that would affect the financial interest of someone with whom you are discussing employment. In addition, some of the 14 *Standards of Ethical Conduct for Executive Branch Employees*, 5 CFR 2635, may apply even when you have only sent a resume to a prospective employer. In addition, if you participate in procurement matters you may be subject to special additional requirements relating to private employment contacts. The U.S. Office of Government Ethics (OGE) provides overall direction and leadership on this topic. The OGE web site is www.usoge.gov. Each agency has a Designated

Agency Ethics Official (DAEO) and an Alternate DAEO. You may contact these agency officials with questions about how the conflict of interest law and principles of ethical conduct apply to your situation.

To which vacant Federal jobs can I apply?

[TCv](#)

As a Schedule C you are in the excepted service and **cannot** apply for vacant **competitive** service jobs open to agency employees only. However, when you qualify you may apply for vacant jobs in the:

1. **Excepted service** - any excepted service vacancy, especially for other Schedule C jobs;
2. **Competitive service** - only vacancies open to the public, often called “all sources” in agency vacancy announcements; and
3. **Senior Executive Service (SES)** - any SES noncareer vacancy and SES career vacancies open to the public.

- Notes:**
1. Merit system rules prevent agencies from considering you for vacant **competitive** service jobs open only to **current agency employees**. You may apply for **competitive** service jobs open to “status” applicants from **outside** the agency if you have competitive status or a noncompetitive eligibility based on one of the following:
 - Reinstatement eligibility based on prior **competitive** service employment - 5 CFR 315.401;
 - Eligibility for noncompetitive consideration - 5 CFR 315, subpart F;
 - Eligibility for a Veterans' Readjustment Appointment (VRA) - 5 CFR 307; or
 - 30 percent or more veterans disability - 5 CFR 316.302, 316.402 and 315.707.
 2. Agencies must post vacancy announcements for competitive service and SES jobs open to the public and to status applicants **outside** the agency on USAJOBS - see www.usajobs.opm.gov.

How am I treated when I apply for a vacant competitive service or career SES job?

[TCv](#)

The “**prohibition against political consideration, either favorable or unfavorable,**” has special importance when agencies consider applications from current and former Schedule C employees for competitive service or career SES vacancies. OPM and Federal agencies share a basic responsibility to ensure that competitive service personnel actions:

- § **Avoid** the prohibited personnel practices in 5 U.S.C. 2302, and
- § **Adhere strictly** to Civil Service Rules and to merit system requirements in 5 U.S.C. 2301.

Applications from current or former Schedule Cs are subject to oversight procedures outlined below:

Agency oversight - Agencies maintain detailed records for outside review and frequently have higher level reviews to ensure full and open competition and adherence to merit system principles. If you apply for a career (SES) vacancy, usually the agency will conduct a merit staffing review **prior to** Qualifications Review Board action, 5 CFR 317.501(f).

OPM oversight - OPM periodically reminds agencies that each competitive appointment of a current or former Schedule C employee **must** meet all civil service laws, rules, and regulations and be free of impropriety. Generally, during the calendar year of a Presidential election agencies must contact OPM's Office of Merit Systems Oversight **before** making effective a proposed selection. Some agencies routinely contact OPM prior to hiring a current or former Schedule C, Presidential appointee or non-career SES for a competitive service or career SES vacancy.

Congressional oversight - Members of Congress have perennial interest in the appointment of “political” employees to career SES and competitive service positions. Periodically a member will ask the General Accounting Office (GAO) to review all appointments of current and former political appointees; including Schedule Cs. Agencies keep detailed records for GAO review.

How much notice do agencies expect prior to my voluntary resignation?

[TCv](#)

Federal supervisors and managers expect **at least** 2 weeks notice prior to leaving any job. You should give your supervisor at least 2 weeks notice, longer is preferable.

Under what circumstances can I be fired (involuntarily separated)? *Reference: 5 CFR 351 and 752*

Your agency may involuntarily separate you **anytime** your confidential or policy-determining relationship with your supervisor ends, 5 CFR 752.401(d)(2). This means **anytime** your supervisor or agency head so desires. However, in practice, Schedule Cs almost always become valued employees and remain employed until a supervisor, agency head or President leaves office. And when your supervisor or agency head changes, your acting or new supervisor or agency head may retain you. Further, in some instances, a new Presidential administration may ask you to remain during their transition or to stay on indefinitely. Retention beyond a Presidential administration is usually limited to periods when the old and new administration are the same political party.

How much advance notice must I receive before involuntary separation? [TCv](#)

Generally your supervisor and agency officials will provide advance notice whenever possible. However, there is **no** governmentwide notice requirement for separating Schedule Cs. Your agency may have a minimum notice period that may or may not cover you. In some agencies you may grieve your separation under an agency administrative grievance system or another agency dispute resolution system, but **only** if the agency has chosen to permit grievances on such matters.

Notes: **1.** An involuntary separation must follow any applicable internal agency notice procedures that may have been established by your agency. *Vitarelli v. Seaton*, 359 U.S. 535 (1959); *Watson v. U.S.*, 162 F. Supp. 755 (Ct. Cl. 1958).

2. Schedule Cs are not covered by statutory procedures and generally have no right to appeal involuntary separation to the Merit Systems Protection Board. This is true regardless of veterans= preference or length of service - see 5 U.S.C. 7511(b)(2)(B).¹

Caution: Constitutional requirements oblige agencies to provide you with an opportunity to respond if your moral character is impugned by the stated reasons for dismissal. These rights arise only when a stigmatizing reason for dismissal is recorded in any document that may be disseminated to others, either inside or outside the Government. For this reason, when the separation is involuntary and without prejudice², the notice of separation should be nonstigmatizing in tone. [Appendix B](#) shows a sample separation notice.

What benefits do I receive following a resignation or involuntary separation? [TCv](#)

Annual Leave - Your agency will pay you for your unused annual leave (a lump-sum payment). The amount is based on your annual leave balance and hourly pay rate on the date of resignation or separation, excluding special allowances. You should ask about this payment when you leave. If you are reemployed, in a covered Federal job before expiration of your lump-sum leave period, you must refund

¹ Only a Schedule C who was serving in a position in the competitive service when OPM authorized the position's conversion to Schedule C and who is still serving in that position has appeal rights accorded to members of the competitive service. -- cf. *Roth v. Brownell*, 215 F. 2d 500 (D.C. Cir. 1954). Refer to 5 CFR 212.401(b). ONLY these Schedule C incumbents are covered by statutory appeal procedures and may appeal removal actions to Merit Systems Protection Board. However, these incumbents may be removed "for such cause as will promote the efficiency of the service." -- *Leonard v. Douglas*, 321 F.2d 749 (D.C. Cir. 1963) using procedures in 5 CFR 752.

² For Schedule C positions "without prejudice" means that separation is for reasons or circumstances beyond the employee's control; such as, a change in Presidential Administration, change in agency head, change in superior or supervisor, shift in policy, loss of confidence, lack of work, lack of funds, etc.

the unused portion. Your new agency will credit the remaining days and hours of annual leave. For more information see www.opm.gov/oca/leave/html/annual.htm .

Sick Leave - Your agency **cannot** pay you for unused sick leave or allow you to use it prior to leaving, except for covered purposes. When you leave, your agency will record your unused sick leave balance. Then, if a Federal agency rehires you, generally your new agency will credit your unused leave, 5 CFR 630.502. For more information see www.opm.gov/oca/leave/html/sicklv.htm .

Severance Pay - Schedule C employees are **not** eligible for severance pay, 5 CFR 550.703.

Unemployment Compensation - The Department of Labor (DOL) has advised OPM that Schedule Cs are generally eligible for unemployment benefits under the Unemployment Compensation for Federal Employees (UCFE) program when they are **involuntarily** separated. If your resignation or separation is involuntary due to a change in agency leadership, Presidential administration or the loss of your supervisor, it is important that the remarks area of your SF-50 state “Due to Change in Administration” or “Change in Presidential Administration.” According to DOL, **resigning rather than being separated may jeopardize your unemployment compensation claim unless the appropriate remark above is provided.** Your eligibility for, and the amount of, unemployment benefits vary from state to state. Contact the state unemployment office for the state in which you work. For DOL see www.doleta.gov/programs/uibene.htm .

Health Insurance Coverage - Federal group health insurance continues at no cost to you for 31 days after the date of your resignation or involuntary separation to allow for conversion. You may continue group coverage for 18 months by paying both the employer and employee cost (plus a 2% administrative fee) of your current plan or of another Federal group plan of your choice. When this group coverage ends, you may elect conversion to non-group coverage. See 5 CFR 890.304 and www.opm.gov/insure/index.html . [TCv](#)

Life Insurance - Life insurance continues for 31 days after resignation or involuntary separation at no cost to you. You may convert this insurance without medical examination to non-group coverage with rates based on age and occupation. If you retire, the group insurance may continue if you meet the eligibility requirements. See 5 CFR 870.501 and www.opm.gov/insure/life/index.htm .

Retirement - Depending on your age, years of Federal service and retirement system (FERS or CSRS), you may be able to retire with an immediate annuity, qualify for a deferred annuity or qualify for a refund of your retirement contributions. If you are age 55 with 20 years of service or age 50 with 25 years of service, involuntary separation may enable you to qualify for discontinued service retirement (DSR). You should contact your agency’s retirement benefits counselor with questions. OPM provides information on DSR at www.opm.gov/asd/hod/pdf/C044.pdf . For Federal Employees Retirement System (FERS) publications see www.opm.gov/retire/html/library/fers.html . For Civil Service Retirement System (CSRS) publications see www.opm.gov/retire/html/library/csrs.html .

Thrift Savings Plan (TSP) Account - Your TSP contributions belong to you. However, if you do not have 2 years of Federal service at the time of your separation, you will forfeit the 1 percent agency contribution. The booklet published by the Federal Thrift Investment Board, *Withdrawing Your TSP Account Balance*, explains your withdrawal options. For TSP information see www.tsp.gov .

What are my restoration rights do I have after an on-the-job injury? *Reference: 5 CFR 353* [TCv](#)

Restoration rights apply only when you maintain your confidential or policy-determining relationship while you are unable to work. Your agency may involuntarily separate you if your confidential or policy-determining relationship ends because your supervisor or agency head leaves or due to the end of a Presidential administration. In such cases, even though you were injured on the job, you have no restoration rights by virtue of your Schedule C appointment.

Must agencies report my resignation or separation to OPM? *Reference: 5 CFR 213.3301(c)*

Yes, your agency must notify OPM **within 3 working days** after you leave. Agency personnel and human resource officers may meet this obligation by following quick and easy operating procedures provided by OPM.

Appendices[TCv](#)**Appendix A - Agency Appointing Authority Numbers****Appendix B - Sample Notice of Involuntary Separation/Removal**

Appendix A - Agency Appointing Authority Numbers[TCv](#)

Generally, agencies appoint Schedule Cs using authority granted by OPM. The agency records this authority on the Notification of Personnel Action, SF 50, following procedures in the Guide to Processing Personnel Action (GPPA), www.opm.gov/feddata/gppa/gppa.htm. For this purpose OPM has assigned, a two digit number (##) to each agency that requests Schedule C appointing authority under 5 CFR 213.3301 and 213.3302. The authority numbers (213.33##) uniquely identifies uniquely for each agency. For example, the appointing authority number for the Department of Agriculture is Schedule C, section 213.3313. The numbers OPM has assigned agencies are listed below:

<p>African Development Foundation B 90 Agency for International Development B 68 Agriculture B 13 Air Force B 09 Appalachian Regional Commission B 76 Army B 07</p> <p>Commerce B 14 Commission on Civil Rights B 56 Commodity Futures Trading Commission B 79 Consumer Product Safety Commission B 60 Corporation for National and Community Service B 21</p> <p>Defense B 06</p> <p>Education B 17 Energy B 31 Environmental Protection Agency B 18 Equal Employment Opportunity Commission B 77 Executive Office of the President B 03 Export-Import Bank of the United States B 42</p> <p>Farm Credit Administration B 43 Federal Communications Commission B 38 Federal Deposit Insurance Corporation B 33 Federal Emergency Management Agency B 95 Federal Housing Finance Board B 87 Federal Labor Relations Authority B 92 Federal Maritime Commission B 67 Federal Mediation and Conciliation Service B 47 Federal Mine Safety and Health Review Commission B 51 Federal Trade Commission B 34</p> <p>General Services Administration B 37 Government Printing Office B 52</p> <p>Harry S. Truman Scholarship Foundation B 63 Health and Human Services B 16 Housing and Urban Development B 84</p>	<p>Interior B 12</p> <p>Justice B 10</p> <p>Labor B 15</p> <p>National Aeronautics and Space Administration B 48 National Archives and Records Administration B 40 National Credit Union Administration B 57 National Foundation on the Arts and the Humanities B 82 National Labor Relations Board B 41 National Mediation Board B 89 National Transportation Safety Board B 96 Navy B 08</p> <p>Occupational Safety and Health Review Commission B 44 Office of Government Ethics B 71 Office of Personnel Management B 91</p> <p>Overseas Private Investment Corporation B 23</p> <p>Pension Benefit Guaranty Corporation B 93 President's Commission on White House Fellowships B 88</p> <p>Securities and Exchange Commission B 30 Selective Service System B 46 Small Business Administration B 32 Social Security Administration B 55 State B 04</p> <p>Transportation B 94 Treasury B 05</p> <p>U.S. Information Agency B 28 U.S. International Trade Commission B 39 U.S. Tax Court B 25 U.S. Trade and Development Agency B 73</p> <p>Veterans Affairs B 27</p>
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Appendix B - Sample Notice of Involuntary Separation/Removal[TCv](#)

Following is a sample notice of involuntary separation/removal to an employee who is **not** covered by tenure and procedure provisions of law, civil service regulations, or appropriate agency regulations; e.g., a Schedule C employee **without** “competitive status in their position”. *

USE AGENCY LETTERHEAD

Mr. C. B. Blank
222 Business/Home Avenue
City Name, DC 99999

Dear Mr. Blank:

This is to notify you that your service as (insert position title) will be terminated effective at the close of business (insert date).

Under the law, incoming leadership has the authority to select staff in whom it has personal confidence to carry out its policy goals. This often necessitates the replacement of existing personnel. As a result, this action should not be construed in any way as a reflection on you personally or on your performance under the prior leadership.

Sincerely,

(Name)

(Title)

* “Competitive status in their position” rarely applies ... Only a Schedule C who was serving in a position in the competitive service when OPM authorized the position’s conversion to Schedule C and who is still serving in that position has the appeal rights accorded to members of the competitive service. -- *Roth v. Brownell*, 215 F. 2d 500 (D.C. Cir. 1954). See also 5 CFR 212.401(b). ONLY these Schedule C incumbents are covered by statutory appeal procedures and may appeal removal actions to Merit Systems Protection Board. However, agencies may remove these incumbents Afor such cause as will promote the efficiency of the service.” -- *Leonard v. Douglas*, 321 F.2d 749 (D.C. Cir. 1963) using procedures in 5 CFR 752.