Guide to Schedule C Positions

Staffing and Policy Handbook

You can find references in the following regulations:


- Code of Federal Regulations (CFR) at [http://www.ecfr.gov/cgi-bin/text-idx?SID=6f6cb87e4f0c494409ef233a6d97b1be&tpl=/ecfrbrowse/Title05/5tab_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?SID=6f6cb87e4f0c494409ef233a6d97b1be&tpl=/ecfrbrowse/Title05/5tab_02.tpl)

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Schedule C Guidance

The Schedule C Guidance explains the criteria and procedures used by the U.S. Office of Personnel Management (OPM), Federal Departments and Agencies for confidential and policy-determining Schedule C positions in the Federal excepted service. The Guidance identifies the laws, regulations and Comptroller General decisions that affect Schedule C positions, criteria and procedures used to establish and abolish Schedule C positions. The Guidance is designed for the use of Federal agency personnel staff, to give them a common reference document.

Overview [References: Title 5 Code of Federal Regulations (5 CFR), Part 6 and Part 213]

Schedule C positions are excepted from the competitive service based on their confidential or policy-determining nature. Generally, the decision to place a position in the Schedule C category is made by the Director of the U.S. Office of Personnel Management (OPM) at the request of a Department or agency Head. Requests to place a position in the excepted service under a Schedule C exception are considered on a case-by-case basis. Generally, Schedule C position pay is based on the General Schedule (GS), Senior Level (SL) or Other Pay Plan (OT) rates or some other pay schedule equivalent to GS levels 1 through 15 or SL. A limited number of positions are placed in the Schedule C category by Executive Order and law; for examples, see 5 CFR 6.8. The total number of Schedule C positions and the allocation among agencies is established by Presidential policy.

What is a Schedule C Position [References: Title 5 Code of Federal Regulations * Part 6, Part 213 and Part 214]

A Schedule C position is a job in a Federal Department or Independent Agency working directly for a Presidential Appointee or Non-Career official appointed by the Head of the Agency. A Schedule C job requires the incumbent to have a confidential or policy-determining relationship with the Presidential Appointee or Agency Non-Career Appointee who is your supervisor. This confidential relationship implies knowledge and support of the goals, viewpoints and philosophies of your supervisor, Agency Head and President. Schedule C’s help shape and implement administration policy. Supervisors expect Schedule C’s to represent the administration’s goals, viewpoints and philosophies as their own.


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? [Reference: Title 5 CFR Part 213]

Generally, Schedule C jobs are created as follows:

1. Identify Need and Propose Incumbent – When a Presidential or Senior Non-Career Appointee needs a confidential assistant or wants a person with whom they have a confidential relationship to oversee or assist a program or project, they describe their need and the work objectives.

2. Prepare Position Description (PD) – The agency’s personnel or human resources officer helps prepare a PD that reflects the major duties and responsibilities of the proposed job and the confidential and/or policy-determining nature of the work.

3. Clear Proposed Incumbent – Procedures established by the White House. Office of Presidential Personnel (PPO), require PPO clearance for the proposed incumbent prior to appointment (hiring).

4. Obtain Authority to Create Position – The agency needs specific authority to establish (create) a position in the excepted service under Schedule C. Unless the agency has authority in law, Executive Order or regulation, the agency asks OPM for this appointing authority. Agencies have authority for Temporary Transitional Schedule C (TTC) jobs. Otherwise, OPM will grant authority if:
   A. Request meets all requirements for the Schedule C Authority;
   B. Agency is under the Schedule C cap established by the PPO, and
   C. Agency has PPO approval for the proposed incumbent.

5. Notify Proposed Incumbent to Report for Work – Agencies cannot notify and hire (appoint) you in a Schedule C position until 2, 3 and 4 above exist.

What is a Senior Level (SL) Schedule C Position [Reference: Title 5 CFR Part 213 and 317]

When an agency does not have Senior Executive Service (SES) positions and creates a job requiring work above the General Schedule (GS) grade level GS-15, it is called a Senior Level (SL) position. When this agency requests authority for a confidential or policy determining position above GS-15, we call it a Senior Level (SL) Schedule C position. If the agency has SES authority, we would call the same position an SES General position filled by a Non-Career Appointment.

Criteria for Schedule C Positions [Reference: Title 5 CFR 213.102(a) and 213.3301]

The U.S. Office of Personnel Management (OPM) authorizes Schedule c exceptions for:

- **CONFIDENTIAL POSITIONS** – Positions with duties that can be performed only by someone who has a close and confidential working relationship with the head of the agency or other key appointed official (this confidential relationship implies a thorough knowledge of and sympathy with the superior’s goals,
viewpoints and philosophies, and the subordinate’s willingness to represent them as his or her own.

- **POLICY-DETERMINING POSITIONS** – Positions that involve making or approving substantive program policy (Due to the nature of policy-determining positions, they usually are classified at grade levels equivalent to General Schedule (GS) 14 or above. Positions that make mainly administrative policy or simply contribute to program policy development may be excepted as a confidential position (see above)); and

- **SECRETARIAL POSITIONS** – positions that perform administrative and staff assistant duties comparable to those commonly performed by a personal or confidential secretary, regardless of the position title, and report to one of the following positions:

  i. The Head or Deputy head of an agency; or
  ii. An Assistant Secretary or other Principal Assistant head of an agency, or the Principal Deputy to one of these officials (the Deputy who carries out the full range of the Assistant Secretary’s responsibilities and who acts for the Assistant Secretary in all aspects of his or her work); or
  iii. The head of a major component organization of the Department or Agency; or
  iv. A Principal Assistant to the Head of an agency.

Only the Head of an agency and the Deputy head of a cabinet-level Department may have more than one secretarial position. Positions involving incidental secretarial type duties may be excepted as confidential positions without regard to the above limits on secretarial Schedule C positions as long as the secretarial duties are not predominant and are not the basis for the exception.

*Supervisors of Schedule C Appointees {Reference: Title 5 CFR 213.3301(a)}*

Supervisors of Schedule C appointees may not occupy competitive service or Senior Executive Service (SES) Career Reserved positions because the nature of a Schedule C position is derived from the relationship to the supervisor’s position. A Schedule C appointee must report to an official who is in tune with the agency head, or other key appointed official (5 CFR 213.3301(a)), and who will carry out the Administration’s goals. Therefore, supervisors of Schedule C appointees must be a:

- PRESIDENTIAL APPOINTEE (PA) OR (PAS); (the S denotes “with Senate confirmation”);
- SENIOR EXECUTIVE SERVICE (SES) appointee (non-career or career) in an SES General position; or
- SCHEDULE C APPOINTEE at an equal or higher grade level.
Supervisors of Schedule C appointees may delegate direction of the appointee’s specific day-to-day activities to others, even to incumbents of competitive service and SES Career Reserved position. However, the supervisor of record retains overall supervisory responsibility.

**Schedule C’s as Supervisors of Career Appointees**

Yes, a Schedule C may supervise any other agency employee(s) who has an equal or lower grade. You may supervise career and career-conditional employees in competitive service and employees in excepted service positions under Schedule A, Schedule B or Schedule C. However, many Schedule C jobs have no supervisory duties.

**Vacant Supervisory Positions**

A Schedule C position can be authorized and occupied even when the supervisor’s position is vacant. When the supervisor’s position is vacant, the Schedule C employee; must be supervised by another official with whom a confidential relationship can be derived by virtue of the official’s position (see Supervisors of Schedule C appointees). This accommodation is allowed because the Schedule C exception is based on the duties of the position. In some cases the supervisor is not yet on the rolls of the agency, e.g., awaiting Presidential appointment or Senate confirmation.

In cases where the supervisory position becomes vacant, generally the confidential relationship ends and the Schedule C employee is separated simultaneously (see Involuntary Separations/removals). However, an agency may take action to retain the subordinate Schedule C employee. Such action may include designating the next higher-level supervisor or other official, with whom a confidential relationship is possible, as acting in the supervisory position.

**NOTE:** A Schedule C employee cannot be assigned to another position or supervisor without OPM approval (see Changes Requiring Approval). Likewise, an agency may need authority from OPM to establish a position when detailing Schedule C employees (see Detailing Schedule C Employees).

**Series and Grade Level Determinations {Reference: 5 U.S.C. 3320 & 5 CFR 302.101[c]}**

Agencies are responsible for determining the appropriate series and grade or pay rate levels of Schedule C positions. In making series and grade level determinations, agencies should refer to the description of duties in the position description and may use the General Schedule Position Classification Standards published by the U.S. Office of Personnel Management (OPM) or an agency developed standard.


Basic qualification requirements for Schedule C positions are established by the agency, and the agency determines if an individual meets those qualifications. In making qualification determinations, agencies refer to the position description and may use the U.S. Office of Personnel Management (OPM) General Schedule Qualifications Standards or the selecting official(s) evaluate your knowledge, skills, abilities and your political experiences and
affiliations in relation to the work described in the position description 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 the proposed Schedule C appointee. OPM relies solely on the department or agency head to carefully investigate and evaluate the education and experience levels of the proposed incumbent.

**How Does Veterans’ Preference Apply to Schedule C Jobs** *(References: 5 U.S.C. 1302(c) & 5 CFR 302)*

Regulations exempt Schedule C positions from appointment procedures that apply to other positions in the excepted service. However, the law and regulation requires “each agency…(to) 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 non-selection.

**Under What Conditions can Agencies Consider a Non-Citizen** *(References: 5 U.S.C. 1324; Public Law 106-58 Section 605 & 5 CFR8 and 213)*

The Federal Government gives priority to hiring United States (US) citizens, especially for jobs in the U.S. 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 non-citizens in the U.S. Prior to considering a non-citizen, the agency must determine that agency status, 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 applicant’s citizenship and Immigration and Naturalization Service (INS) authorization to live and work in the U.S. For more on hiring non-citizens, go to [http://www.opm.gov/FAQS/topic/employment/index.aspx?cid=5d9058d6-78fb-42a2-9d2a-9d14c22982f0&page=2](http://www.opm.gov/FAQS/topic/employment/index.aspx?cid=5d9058d6-78fb-42a2-9d2a-9d14c22982f0&page=2)

NOTE: Executive Order 11935 (September 2, 1976) restricting 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)*

Yes, agencies may hire a retiree, including a Federal retiree receiving retired military pay or a Federal civilian annuity. However, if you are a Federal civilian annuitant the law requires that agencies reduce (offset) your salary by the amount of the annuity. Although your agency may ask OPM to waive your salary offset under criteria in 5 CFR 553, as a rule OPM does not approve requests for Schedule C jobs. Reemployed 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 more information go to http://www.opm.gov/retirement-services/publications-forms/csrfsfers-handbook/c100.pdf

**Pay Determinations**

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 on the job’s grade in that geographic location. For current salary tables go to http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/

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

- **GENERAL SCHEDULE (GS) – 15 AND BELOW** (Reference: 5 CFR Part 531, Subpart B)
  An employee’s basic pay depends on the grade or pay level of his or her position. The pay rate for new appointments is usually step 1 of the grade or pay level. Agencies may use a higher step only if the individual qualifies for the highest previous rate or a superior qualifications appointment (SQA).

- **SUPERIOR QUALIFICATIONS APPOINTMENT** (Reference: 5 CFR 531.203 (b))
  Selection of a higher step based on SQA should be an unusual occurrence based solely on the superior (unusually high or unique) qualifications of the candidate or the special need of the Government for the candidate’s service (see 5 U.S.C. 5333). The superior qualifications and/or special need must be clearly documented as required by 5 CFR 531.203(b)(4). Superior Qualifications Appointment may be used only when the individual is entering Federal civilian service for the first time, or returning to Federal service after a break of 90 calendar days or more from any Federal employment (all branches – including legislative). Pay in private sector jobs should not be the only guide for an SQA, but can be considered when the individual’s qualifications are truly outstanding.

- **SENIOR LEVEL POSITIONS** (Reference: 5 CFR 534, Subpart E)
  Agency heads may set the pay of appointees to Senior Level positions 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. Each agency head is authorized to establish any number of individual pay rates within the annual salary range specified above.

**White House Clearance**

Agencies must obtain White House clearance for proposed Schedule C nominees. Questions about the White House clearance process should be addressed to the agency White
House Liaison or to the (Office of Presidential Personnel – CHECK ON THIS). The U.S. Office of Personnel Management (OPM) encourage agencies to request authority for the Schedule C position simultaneously from OPM. OPM will establish, reestablish or amend the position (see Requesting Authority for Schedule C Positions) and hold the agency request until the nominee, is approved by the White House. The Director of OPM usually will act on agency requests held in this manner within 24 hours of the White House approval.

**What Benefits do Schedule C Employees Earn**

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**


**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.


**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 [http://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/holidays-work-schedules-and-pay/](http://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/holidays-work-schedules-and-pay/). 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 following:

1. The birth of a child: Or the care of a newborn.
2. The 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,
4. An 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 http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/family-and-medical-leave/

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 http://www.opm.gov/oca/leave/html/factindx.htm

Retirement 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.


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 or human resources office.

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]

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 position? [Reference: GPPA]**


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 – Excepted Appointments or NOAC 570 – Conversion to Excepted Appointment and Legal Authority Code (LAC) Y7M. Agencies cite as the legal authority Schedule 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 – Excepted Appointment NTE (date) or NOAC 571 – Conversion to Excepted Appointment NTE (date), and LAC Y7M. Agencies cite as the legal authority Schedule C 213.33 inserting the two 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 – Excepted Appointment NTE (date) or NOAC 571 – Conversion to Excepted Appointment NTE (date), use LAC Y9K, and cite as the legal authority Schedule C 213.3302(a). To extend appointments up to the 240 days limit, agencies use NOAC 760 – Excepted Appointment NTE (date), LAC Y9K, and cite the legal authority Schedule C 213.3302(c).

4) **Provisional TTC appointments** – Agencies use NOAC 190 – Provisional Appointment NTE (date) or NOAC 590 – Conversion to Provisional Appointment NTE (date), and LAC Y9K. The legal authority is Schedule C 213.3302(a).

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

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.

**Positions Revoked when Vacated [Reference: 5 CFR 213.3301 [c]]**
When the incumbent vacates a Schedule C position, the agency’s authority for that position is revoked automatically. Agencies must notify the U.S. Office of Personnel management (OPM) within 3 working days after a Schedule C appointee vacates his or her position. For positions at grade levels equivalent to GS-15 and below, agencies can meet this obligation by entering the vacate date in the Executive and Schedule C System (ESCS). For a Schedule C position above GS-15; i.e., a Senior Level (SL) or equivalent position, agencies which are not active in the Executive Schedule C System (ESCS) should submit an OPM Form 1019. Agencies, which are active in the system, should follow the instructions listed in their ESCS Handbook. Agencies may fax or email the appropriate form to the Executive Resources Services Group (ERSG) (see Appendix A or B for addresses and telephone numbers).

How Long Does a Schedule C Job Last [Reference 5 CFR 213.102 (a)]

Most Schedule C jobs continue for the duration of the Presidential or agency administration or for the duration of the supervisor’s service. Generally, a new Presidential administration or agency administration will ask all Schedule C’s to resign and quickly fill TTC jobs which can last up to 240 days while new agency heads are appointed. Unless your agency head or supervisor is not subject to removal by the President or agency head, you will either submit your resignation or wait your agency to involuntarily separate (remove) you. 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.

**NOTE:** 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.

How Many Schedule C Jobs are there

The total number of Schedule C position 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, + 300. Every 4 years just after the Presidential election, Congress publishes the “United States Government Policy and Supporting Position,” commonly known as the “Plum Book”. The Plum Book – 2000 listed 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 Plum books are available at [http://www.opm.gov/ses/plumbook.asp](http://www.opm.gov/ses/plumbook.asp).
Federal Register Notice Requirement (Annual & Monthly)  {Reference:  5 CFR 6.1 and 5 CFR 213.103}

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


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 includes: 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 – Plum Book http://www.opm.gov/ses/plumbook.asp

Agency Verification of Schedule C Records {Reference: Interagency Report Request #0115-OPM-QU}

Twice a year, in June and December, we send a list of authorized Schedule C positions and incumbent to agencies. The agencies carefully review their positions, if any corrections are needed the agency makes the corrections in ESCS; if no corrections are needed the agency confirms that the list is accurate to the office of Executive Resources Services Group (ERSG). The Office of Management and Budget (OMB) approves this semiannual agency report as a required interagency report.

REQUESTING AUTHORITY FOR SCHEDULE C POSITIONS

Certification Statement {Reference: Public Law (P.L.) 105-277, Section 618 (a) and 3 U.S.C. 112}

By law, agencies are required to certify that the requested Schedule C position is not being created solely or primarily for the purpose of detailing the employee to the White House. A certification statement must be signed by the department or agency head and submitted to the U.S. Office of Personnel Management (OPM) with each request for Schedule C authority. The Department or agency head may delegate signatory responsibility to a senior agency official by sending a letter to OPM, providing the official’s name, title, and sample signature. Certification statements must be individually signed and dated and can be submitted on agency letterhead or on OPM Form 1019. Agencies must submit a certification statement for each Schedule C position established, including temporary transitional Schedule C (TTC) positions.

Can an Agency Hire a Proposed Schedule C while awaiting clearance
When an urgent need exists and when permitted by law or regulation, an 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). Generally, the agency needs PPO clearance to use these authorities to hire a proposed Schedule C.

**Requesting Authority for Schedule C Positions**

Agencies can request authority to 1) Establish a new position, 2) Re-Establish a position that was previously authorized, or 3) Amend an occupied position. The vast majority of Schedule C positions are classified at grade levels equivalent to GS-15 and below. Only a few Schedule C positions are classified at grade levels above GS-15 or below GS-7. Appendix A provides instructions for requesting Schedule C authority for positions at grade levels equivalent to GS-15 and below. Appendix B provides instructions for requesting Schedule C authority for Senior Level (SL) or equivalent positions above GS-15. The documentation needed to request Schedule C authority is described below.

In unusual situations, when a critical hiring need exists that must be filled on an interim basis, agencies can establish a temporary position for up to 30 days under a Schedule A authority (5 CFR 213.3102(i)(2)). In addition 30 days pending completion of procedures for establishing a Schedule C position. In such cases, agencies must consider the impact of a temporary appointment on the appointee’s future consideration for a Superior Qualifications Appointment (SQA). If a SQA is desired, then the agency must use SQA procedures to make the temporary appointment.

- Not this Schedule A authority cannot be used to extend a temporary transitional Schedule C (TTC) appointment or any other temporary appointment (see TTC Authority).

**“Optional” only if OPM request a copy of the Position Description**

Agencies must submit a copy of the official position description with each request. A person holding a Presidential appointment (PA or PAS) or a Senior Executive Service (SES) appointment in a General position must sign the position description, within the last six months.

**Above GS-15 Positions (or Equivalent)**

To obtain a Schedule C position above the GS-15 level, an agency must have either a Senior Level (SL) space allocation from the U.S. Office of Personnel Management (OPM) (5 CFR 319.202) or a Senior Level (SL) or salary-equivalent position authorized by statute. In addition, before an individual can be appointed to a Senior Level position, the agency needs a Schedule C appointment authority from OPM.

To obtain a Schedule C appointment authority agencies must submit a letter requesting the Schedule C authority and a position description. The letter must contain a certification statement and a brief description of the proposed Schedule C position in terms of the organizational hierarchy and its reporting relationships to agency officials. Agencies that are not operational on the Executive and Schedule C System must complete a manual OPM Form 1019. For detailed
information on requesting this appointment authority and a Senior Level (SL) space allocation, agency executive resources office staff can call the Executive Resources Services Group (ERSG) at OPM.

**Processing Duration and Agency Notification of Approval**

Generally, the U.S. Office of Personnel Management (OPM), process agencies requests within 5 working days of receipt. If a request is flawed or incomplete, the Executive Resources Services Group (ERSG) will call the agency Schedule C liaison or contact person identified on the request (see Appendix A or B). If a critical hiring need exists, agencies can establish a temporary Schedule A position using authority in 5 CFR 213.3102(i)(2).

OPM will hold the agencies request(s) until the White House approval is received for the proposed incumbent. When White House approval is received the Director of OPM usually will sign decision letters within 24 hours. The agency’s White House Liaison or an appropriate headquarters personnel staff member may discuss emergencies requiring expedited processing with OPM’s White House Liaison at (202) 606-1000.

OPM will fax a copy of the signed 1019 to the agencies White House Liaison or staff person. Agencies need the signed decision letter as proof of their authority to appoint, establish, re-establish or amend the position. Generally, agencies file decision letters in the position file with the position description.

**Hiring a Schedule C/Reporting Entry-On-Duty**

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

**TEMPORARY TRANSITIONAL SCHEDULE C (TTC) AUTHORITY**

**Circumstances Required for Transitional Authority [References: 5 CFR 213.3302]**

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:

I. Each appointment to a new TT 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.

II. 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).

III. The re-election 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.

Numeric Limit on TTC Positions [Reference: 5 CFR 213.3302(b)]

The number of temporary transitional Schedule C (TTC) positions that an agency may encumber at any one time cannot exceed either 50 percent of the highest number of non-temporary Schedule C positions authorized for that agency over the previous 5 years, or 3 positions, whichever is higher. In the event a new department or agency is created, OPM will delegate authority for the number of TTC positions considered reasonable based on the new organization’s size and program responsibility. OPM may approve agency requests to increase the agency’s quota to meet a critical need or in unusual circumstances.

Requirement for OPM Notification [Reference: 5 CFR 213.3302(d)]

The Code of Federal Regulations (CFR) requires that agencies “notify OPM within 5 working days after a TTC position has been encumbered and within 3 working days after it has been vacated.” Agencies must notify OPM by faxing a completed OPM Form 1019 (see Appendix A or B). Agencies which are active in ESCS should follow the instructions in the ESCS Handbook, under the heading “Place Individual(s) in Position.” In addition, for each TTC position filled the agency must submit to OPM a statement, signed by the agency head, certifying that the position “was not created solely or primarily for the purpose of detailing the incumbent to the White House.” See Certification Statement on page XX.

Designation as a Provisional Appointment [Reference: 5 CFR 213.3302[c] & 316.403]

When an agency head plans to appoint a TTC appointee to a non-temporary Schedule C or SES position as soon as possible, the TTC appointment may be designated as a “Provisional Appointment with a not-to-exceed (NTE) date.” The provisional designation makes the appointee eligible for retirement, health and life insurance coverage.
General Reminder – Guidance on Request for Schedule C Appointment authorities for an Active Incumbency

- Schedule C appointees who are moving to a new position or title with significant new duties and responsibilities, with or without a pay increase are required to create a request for new Schedule C appointment authority and cannot make changes via the amendment process. This action may also require the agency to also create a new position number, unless the agency is re-establishing an inactive position.

- Schedule C appointees with minor changes, as noted below, are required to keep their current position number and create a request for an amendment rather than requesting a new authority.

What benefits do temporary transitional Schedule C’s (TTC) earn?

TTC’s earn annual and sick leave and may qualify for other agency-supported leave benefits. TTC’s 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.

CHANGES TO EXISTING POSITIONS

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

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.

CHANGES TO EXISTING POSITIONS – AMENDMENTS
Position Changes – Amendments That Require OPM Approval

Agencies need prior approval from the U.S. Office of Personnel Management (OPM) to change or Amend one or more of the following areas of a Schedule C position that was authorized by OPM: The following would require a request to “AMEND”.

- Position title* (Any Change)
- Series (Any Change)
- Grade Level* (Any Change)
- Reporting Relationship* (Any change in the supervisory position designation or position’s title)
- Reorganization (Any change in the organization’s title)
- Duty Station Location* (Only when changing to a location outside of the commuting area)
- Change in Duties (Note: Only the addition of significantly different duties or responsibilities requires approval – Significant duties change may also fall under #2 below).

The Office of Presidential Personnel provides White House clearance for changes in position title, grade level, reporting relationship, and duty station.

Personnel actions affecting any area above can be effective only on or after the date of the OPM approval.

To obtain OPM approval for changes to positions GS-15 and below (or equivalent), the agency creates a request to amend in the Executive and Schedule C System (ESCS), see page 32 of the Easy Steps manual for instructions.

Caution on Promotions and Quality Step Increases

- **PROMOTIONS** for Schedule C employees are limited by Presidential policy to situations where significant changes to a position’s level of duties and responsibilities justify reclassification to a higher grade. Positions should not be reclassified to create a promotion opportunity for a deserving employee. Schedule C positions, being in the excepted service, are not covered by the time-in-grade restrictions that apply to positions in the competitive service [5 CFR 300, Subpart F]. However, agencies are encouraged to adhere to the intent of the time-in-grade policy. Both White House and U.S. Office of Personnel Management (OPM) approvals are required prior to effecting any change in grade level.

- **QUALITY STEP INCREASE (QSI’s)** for Schedule C employees follow established agency policy of 5 CFR 531, Subpart E. Schedule C employees are covered by the Federal performance management system [see title 5, U.S.C. 4301], by the Government wide guidelines in 5 CFR 430, and by internal agency performance management policies. The purpose of QSI’s is the recognition of excellence in performance [5 CFR 531.503]. Therefore, it follows that the effective
The date of a QSI must postdate the end of the first appraisal period and completion of the first performance evaluation. Generally, agency performance management policy contains minimum time requirements for appraisal periods. Schedule C supervisors must follow their agency’s waiting periods. In addition, as provided by title 5 U.S.C. 5336, a QSI may NOT be granted to an employee who has received a QSI “within the preceding 52 consecutive calendar weeks” [5 CFR 531.505]. Further, although QSI’s are not limited during Presidential election periods by 5 U.S.C. 4508 QSI’s may be subject to guidance on cash awards periodically issued by the White House.

The primary contact for Schedule C information is the Senior Executive Resources Service (SERS) Group. The group can be reached on 202-606-2246 or at SERS@opm.gov. We reserve the option to request copies of documentation to support any request for a Schedule C appointing authority.

LEAVING A SCHEDULE C JOB

Can I apply for private sector and state or municipal government job vacancies?

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 https://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?

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 non-career 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 non-competitive eligibility based on one of the following:

- Reinstatement eligibility based on prior competitive service employment – 5 CFR 315.401.
- Eligibility, for non-competitive; 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 http://www.usajobs.gov.

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

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 C’s 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 C’s. Agencies keep detailed records for GAO review.

**How much notice do agencies expect prior to my voluntary resignation?**
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 C’s 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?**

Generally your supervisor and agency officials will provide advance notice whenever possible. However, there is no government-wide notice requirement for separating Schedule C’s. 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:**

- 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)
- Schedule C’s 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).

**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

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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 ct Roth v. Brownell, 215 B 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 action 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.
reason, when the separation is involuntary and without prejudice\(^2\), the notice of separation should be non-stigmatizing in tone. Appendix B Shows a sample separation notice.

**What benefits do I receive following a resignation or involuntary separation?**

**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 re-employed, in a covered Federal job before expiration of your lump-sum leave period, you must refund the unused portion. Your new agency will credit the remaining days and hours of annual leave. For more information see [http://www.opm.gov/oca/leave/html/annual.htm](http://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 [http://www.opm.gov/oca/leave/html/sicklv.asp](http://www.opm.gov/oca/leave/html/sicklv.asp).

**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 C’s 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 [http://workforcesecurity.doleta.gov/unemploy/unemcomp.asp](http://workforcesecurity.doleta.gov/unemploy/unemcomp.asp).

**Health Insurance Coverage** – Federal group health insurance continues at no cost 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 const (plus a 2% administrative fee) of your current plan or of another Federal group plan of your

\(^2\) 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.
choice. When this group coverage ends, you may elect conversion to non-group coverage. See 5 CFR 890.304 and http://www.opm.gov/insure/index.html

**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 http://www.opm.gov/insure/life/index.html

**Retirement** - Depending on your age, years of Federal service and retirement system (FERS and 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 http://www.opm.gov/asp/hod/pdf/c044.pdf. For Federal Employees Retirement System (FERS) publications see http://www.opm.gov/retire/html/library/bers.html. For Civil Service Retirement System (CSRS) publications see http://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 http://www.tsp.gov.

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

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.

**TRAINING, WORKING, EVALUATING AND REWARDING SCHEDULE C EMPLOYEES**

*Who provides new employee orientations?*

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

Are there special briefings provided for new Schedule C employees?

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 Group at 202-606-2246, for more information on registering for the next briefing.

When can my agency pay for my training? [Reference 5 CFR 410]

Agencies may provide (pay for) training Schedule C’s 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 incumbents 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?

Generally, Schedule C jobs require full-time work schedules and daytime 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?

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?


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 C’s 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]

Agency performance management plans generally require appraisals for Schedule C’s. 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 C’s qualify for performance awards? [Reference 5 CFR part 451]

Regulations permit Schedule C’s 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 C’s 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 non-monetary 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 C’s 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 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.

**MISCELLANEOUS**

*Can agencies promote, reassign or transfer me?*

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©}

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, Comptroller General 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 25 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©. 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. Comptroller General 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 non-reimbursable details in some departmental organizations to 30 days.

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

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. Office of Government Ethics
(OGE) web site is [http://www.oge.gov](http://www.oge.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](http://www.oge.gov)

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 Counsel may forward questions to the Office of the Special Counsel (OSC) at 202-653-7134 (email: Hatchact@osc.gov). Office of Special Counsel (OSC) provides Hatch Act information at [http://www.osc.gov/hatchact.htm](http://www.osc.gov/hatchact.htm).

**Can I be assigned under the Intergovernmental Personnel Act (IPA)?**

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 C’s 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 House 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 organization location.
Appendix

Appendix A – Agency Appointing Authority Numbers

Generally, agencies appoint Schedule C’s 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), http://www.opm.gov/feddata/gppa/gppa.html. 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 each agency. For example, the appointing authority number for the Department of Agriculture is Schedule C, section 213.3313. The number OPM has assigned agencies are listed below:

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<tr>
<th>AGENCY</th>
<th>APPOINTING AUTHORITY CODE</th>
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<td>DEPARTMENT OF VETERANS AFFAIRS</td>
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Appendix B – Sample Notice of Involuntary Separation/Removal

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 regulation, or appropriate agency regulation, e.g., a Schedule C employee without “competitive status in their position”*

USE AGENCY LETTERHEAD

Name
Address
City, State, Zip Code

Dear Mr. XXXX,

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 is conversion to Schedule C and who is still serving in that position has the appeal rights according 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 “for such 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.
Request for Schedule C Appointment

1. Click on Create Request
2. Enter the SSN (e.g. 444322922) no hyphens or slashes. Click on Search
3. The Individual’s Name and SSN appears on the information screen. Click, on Create Request.
4. Enter the Request Type – click on the down arrow and select the correct option (appointment). NOTE: If you do not want to send the request, you can put a check in the Draft Flag to hold your request.
5. Enter the Position Number – click on the LOV (List of Values) and a list of Position Numbers and Titles appear. Click on the Position Number and the information appears.
6. The Position Number, Title, Position Appointment, Organization ID, Organization Name, Supervisory Position, Geographic Location, Occupational Series and Position Grade rate appears on the screen.
7. Enter the Step (Amendable) – click on the down arrow and select the correct step.
8. Enter the Salary (Amendable – e.g. 78298) no dollar sign, comma or decimal.
9. Enter the Temp/Reg – click on the down arrow to select T or R.
10. Enter PD Cert Date – NOTE: The position description certification date must be no older than six months prior to the request; e.g. 07/12/2007. You can use hyphen or slashes.
11. Review the information you entered, if correct click on Save. You will get a “SUCCESS” screen. Print the screen shot for your file.
Appendix D – Instructions for Completing OPM For 1019 – See ESCS Easy Steps Manual

Form 1019

1. Go to Reports
2. Click on Reports
3. Click on Form 1019
4. Select Request Number – click on the down arrow and select the correct Request Number
5. Enter Contact Name, Contact Phone and Contact Fax and click on Run
6. User Name and Password appears. Enter Password
7. Click on Submit
8. Form 1019 appears in Adobe Acrobat
9. To print the form, select File from the top of the page then select Print, then OK.

10. Submit completed 1019, with authorized signatures, to Office of Personnel Management (OPM) for processing.
11. Fax the signed 1019 over to the Executive Resources Services Group (ERSG); to the fax number listed on the bottom of the form.
12. If you are creating more than one record, click on Start Again. If not, click on Home.