



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

Merit System
Accountability and
Compliance

Memorandum For: Chief Human Capital Officers

From: Mark W. Lambert
Associate Director

SUBJECT: Political Appointees and Career Civil Service Positions

The U.S. Office of Personnel Management (OPM) carries out many important responsibilities for the President and the American people, but none is more important than our statutory responsibility to oversee civil service hiring that is based on merit after fair and open competition. In light of the historical origins of the civil service system, OPM plays an important role as guardian of the merit system when a Federal agency selects a political appointee for a permanent position in the civil service. Accordingly, the political affiliation of a current or former political appointee applying for a civil service position may not be a basis for discrimination nor preference or special advantages. See 5 U.S.C. §§2301, 2302; 5 C.F.R. §§ 4.2, and 7.1.

Pursuant to our oversight authority under section 1104(b)(2) of title 5, United States Code (U.S.C.) and section 5.2 of title 5, Code of Federal Regulations, OPM requires agencies to seek our approval prior to appointing any current or former political appointee to a permanent non-political civil service position, including time-limited appointments that would allow for non-competitive conversion to a permanent appointment. A former or recent political appointee is someone who held a political appointment covered by OPM's policy within the previous 5-year period. OPM's oversight in this area safeguards merit system principles. OPM's pre-appointment review authority however does not extend to selection of individuals for positions in the intelligence community (IC). This is because, by law, enforcement of the merit system principles in IC elements is governed by such rules, regulations, and directives that the President may prescribe,¹ and the President has, through rulemaking, excluded IC elements from the definition of "agency" subject to OPM's oversight.² Nevertheless, IC elements are required to take any action consistent with their statutory authority and as the President or head of the agency or component determines necessary to ensure personnel management is based on merit system principles. 5 U.S.C. § 2301(c)(2). Accordingly, an IC element may implement its own review process so that the hiring of current or former political appointees for permanent IC positions is based on merit and free from political consideration.

¹ 5 U.S.C. § 2301(c)(1) (incorporating, by reference, 5 U.S.C. § 2302(a)(2)(C)).

² Executive Order 13197 of Jan. 18, 2001, 66 Fed. Reg. 7853; Civil Service Rules IX, X, 5 C.F.R. §§ 9.1, 10.1-10.3.

With the exception noted above, the following types of appointments are subject to OPM pre-appointment review and approval:

- A. The appointment of a current or former political appointee as described under 5 U.S.C. sections 5312 through 5316 (relating to the Executive Schedule) to a permanent competitive service, non-political excepted service, or career Senior Executive Service (SES) position;
- B. The appointment of a current or former political Schedule A, Schedule C, or an individual who serves or served in a political capacity under agency-specific authority in the Executive Branch to a permanent competitive service, non-political excepted service, or career SES position;
- C. The appointment of a current or former noncareer SES appointee, or an individual who serves or served in a political capacity under Limited Term SES or Limited Emergency SES appointment in the Executive Branch, to a permanent competitive, non-political excepted service, or career SES position;
- D. The appointment of a current or former political appointee in the Executive Branch (as described in the subsections above) to an agency position covered by an interchange agreement with OPM established under Civil Service Rule 6.7 allowing movement from the agency's merit system to the competitive civil service; and
- E. The appointment of a current or former political appointee to permanent positions involving noncompetitive and direct-hire appointments, under 5 C.F.R. § 315, subpart F, and 5 C.F.R. § 337, subpart B.

OPM will continue to conduct merit staffing reviews of proposed selections of current or former political appointees for career SES positions before they are presented to OPM's Qualification Review Board (QRB) for certification of executive qualifications. Agencies should carefully review all proposed SES selections to ensure they accord with merit staffing requirements before such cases are forwarded to the QRB.

We encourage agencies to establish an internal process centralized at the headquarters level from which all agency requests will be submitted to OPM after their career staff review them. This allows each agency to confirm for itself that the selection is free of political influence before submission to OPM. This agency oversight could be expanded to include proposed appointments to time-limited appointments, even though OPM does not review appointments to temporary positions.

Please send your requests to appoint current or former political appointees to competitive service, non-political excepted service, or career SES positions to PoliticalConversions@opm.gov, with the information requested in the relevant Pre-Appointment Checklist, all of which are attached below. Your agency must provide copies of all applications electronically or provide OPM access to your automated system. If your agency has documents of large size to submit, please contact PoliticalConversions@opm.gov and we will provide a means of submitting those documents to us.

Once received, your request is reviewed solely by career staff in Merit System Accountability and Compliance. Our review process may include follow up requests for information or clarification as well as arranging and conducting interviews with staff involved in the hiring action. We recognize agencies are eager to bring selectees on board; thus, timely and complete submissions will help expedite our review and decision making. OPM will issue a decision letter to approve or deny the appointment within 15 business days of receiving all documents necessary to review the case.

Should OPM determine the proposed selection is free from political influence and adheres to merit system principles, applicable civil service laws, and regulations, we will ask agencies for the following information:³

- A. If appointed to the covered civil service position, submit a copy of the appointment SF-50, confirming the employee's entrance on duty date and rate of basic pay. Provide documentation within 60 days of appointment, or as soon as practicable.
- B. If not appointed to the proposed civil service position, notify OPM within 60 days of the decision, or as soon as practicable.

The attached list of frequently asked questions and answers provides additional details on OPM's pre-appointment review process. If you have any questions or need further information about the requirements established by this memorandum, please contact Ana A. Mazzi, Principal Deputy Associate Director, Merit System Accountability and Compliance, at (202) 606-4309 or Ana.Mazzi@opm.gov.

[Attachment 1 - Agency Pre-Appointment Request Checklist Competitive Service Positions](#)
[Attachment 2 - Agency Pre-Appointment Request Checklist Non-Political Excepted Service Positions](#)
[Attachment 3 - FAQs and Answers](#)

³ OPM is required to report this information to Congress pursuant to the Edward "Ted" Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015.