

## **QRB Moratorium Guidance**

This guidance is issued to agencies on the process and appropriate instances to request any exception to the January 10, 2025, Governmentwide Qualifications Review Board (QRB) moratorium.

### **Background**

In accordance with OPM's authority under [5 CFR 317.502\(d\)](#), and consistent with current guidance ([Modified Agency-Specific SES QRB Moratorium during Agency Head Transitions](#)), OPM stops accepting and processing new agency Senior Executive Service (SES) QRB cases, effective when an agency head leaves office or announces an intention to leave office, if the President has nominated a new agency head, or if there is a Presidential transition. QRB moratoriums are imposed to ensure the incoming agency head or Administration will have the full opportunity to exercise the prerogative to make or approve executive resource decisions that will impact the agency's performance.

### **Governmentwide QRB Moratorium**

During Presidential transition, OPM initiates a Governmentwide QRB moratorium. During the period of the Governmentwide QRB moratorium:

- OPM will not accept the agency submission of any new QRB cases for career SES appointments;
- OPM will suspend the usual 90-day deadline for agency submissions of QRB cases; and
- OPM will continue to process QRB cases submitted by agencies before the effective date of the QRB moratorium.

Under the Governmentwide QRB moratorium for Presidential transition, an agency-specific QRB moratorium (2019 policy) does not apply.

Agencies are permitted to continue conducting SES merit staffing actions in the absence of an agency head, up to the point of submission of the selected candidate for QRB review and certification for initial appointment to the SES. Each agency is encouraged to closely track QRB cases held during the moratorium. When the moratorium ends upon the appointment of a new agency head, the agency may submit to OPM those QRB cases approved for submission by the new agency head or designee for certification of the candidate's executive core qualifications.

### **Exceptions to the Governmentwide QRB Moratorium**

A number of exceptions exist to the Governmentwide QRB moratorium. First, the Governmentwide QRB moratorium does not apply to an agency if the agency head's resignation was not required by the President. Second, the moratorium does not apply to agency submissions of "Criterion B" cases – these involve individuals who have

successfully completed an OPM-approved SES Candidate Development Program (CDP) and whose executive qualifications are then submitted to OPM for QRB review and certification for general non-competitive SES appointment eligibility; these candidates are not submitted for certification for appointment to a specific SES position for which they were competitively selected. Third, an exception may be requested by an agency for a specific position based upon critical needs.

### **1. Agencies with Agency Heads whose Resignations were not Required by the President**

The Governmentwide QRB moratorium does not apply to any agency with an agency head whose resignation was not specifically required by the President. A number of categories of appointees are not required to submit letters of resignation; consequently, any agency head not required to submit a letter of resignation remains in place, and the agency is not subjected to the moratorium.

### **2. Graduates of OPM-Approved SES CDPs (Criterion B Submissions to the QRB)**

The Governmentwide QRB moratorium does not apply to agency Criterion B. Submissions. Criterion B cases involve the agency submission to the QRB of the executive qualifications of individuals who have successfully completed an OPM-approved SES CDP. Following the completion of the SES CDP, a graduate's executive qualifications may be reviewed and certified by the QRB – this QRB certification gives the SES CDP graduate eligibility for non-competitive appointment to the SES. Because such submissions do not involve a selection and appointment to a specific SES position following a competitive process, any QRB certification of an SES CDP graduate will not significantly impinge upon the prerogative of a new agency head.

### **3. Agency Requests for Specific Exceptions to the Governmentwide QRB Moratorium**

An agency may submit a request to OPM for an exception to the Governmentwide QRB moratorium for a specific position based upon critical need. OPM considers such requests on a case-by-case basis to balance the prerogative of a new agency head to select senior executives with the agency's critical operational needs. Requests for exception should be signed by the agency head or the official who is designated to act in the agency head's absence.

Agencies must address the following factors in agency requests:

- the impact on the agency should the position not be filled during the moratorium; specifically addressing why it is critically important that an exception be granted given the potential for adverse impact on national security, homeland security, or a critical agency mission, program, or function;
- the likelihood the new agency head will have specific interest in the position or the individual appointed to the position;

- the organizational level of the position (provide organization chart) including to whom the position reports;
- the degree to which the candidate would be involved in policy matters;
- any special or unique qualifications of the candidate (a resume should be included);
- whether the candidate is currently on a Schedule C or noncareer SES appointment, or has been within the most recent 5 years;
- whether the candidate is currently performing the duties of the position via detail or “acting” designation and the length of time for the detail or “acting” designation (e.g., 30 days);
- how long the position has been vacant; and
- when the agency head has not yet departed, whether the agency head has certified that the action is necessary to ensure continuity of critical agency operations.

### **What is Considered Mission Critical?**

Mission-critical positions are directly related to national security, homeland security, or an agency mission, program, or function critically important to the operation of the agency. For any of these positions, the agency’s justification must identify the impact on the agency’s mission or the public if the agency’s candidate for initial appointment to the SES is not certified by the QRB.

### **What is Considered when Evaluating Organizational Level?**

The purpose of the QRB Moratorium is to ensure the ability of the new Administration or incoming agency head to determine who will have the full opportunity to exercise the prerogative to make or approve executive resource decisions that will impact the agency’s performance. Therefore, requests for moratorium exceptions for positions reporting directly to the agency head should be extremely rare and have compelling justification.

### **Resumption of QRB Case Processing**

After a new agency head has been appointed, agencies may request OPM to resume the processing of agency QRB cases approved for submission by the agency head, as follows:

- The QRB cases held by the agency due to the Governmentwide QRB moratorium must be sent to OPM within 120 calendar days of the appointment of the new agency head.
- Once a new agency head has been appointed, the 90-day timeline for submitting new QRB cases (i.e., cases other than ones an agency has been

holding due to the moratorium) is reinstated.

- The request to resume QRB case processing should include the title and name of the new agency head and the date they were sworn in.

The request must be sent from the head of the Executive Resources office or a higher-level official to [QRB@opm.gov](mailto:QRB@opm.gov), and OPM will respond via email.