



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

The Director

Monday, March 8, 2021

**MEMORANDUM FOR: HEADS OF DEPARTMENTS AND AGENCIES**

**FROM:** Kathleen M. McGettigan, Acting Director

**Subject:** Amendment to Temporary Transition Senior Executive Service Appointment Authorities

Under [section 3134 of title 5](#), [5 CFR 317.601\(b\)](#) and [5 CFR 317.604\(a\)](#), the U.S. Office of Personnel Management (OPM) approves agency requests for noncareer appointment authority based upon demonstrated agency needs. Our memorandum of January 12, 2021, *Temporary Transition Schedule C Authority and Temporary Transition Senior Executive Service Appointment Authorities*, granted an initial temporary allocation of up to five (5) noncareer SES appointment authorities for each cabinet agency and up to three (3) noncareer SES appointment authorities for each non-cabinet agency to be available from January 20, 2021, to January 30, 2021, to facilitate the Presidential transition. Appointments under these authorities were not to exceed 21 days.

Since that time, several agencies have identified their need for additional time for these appointees to effect transition in agency policies and programs and to complete pre-appointment background checks. In response to agency requests, we are providing this supplemental memorandum to update OPM instructions regarding use of the authorities provided on January 12, 2021.

Effective immediately, the noncareer SES appointment authorities issued under the memorandum of January 12, 2021, are restored to each agency solely for use in making temporary transition noncareer SES appointments. Subject to statutory limits on noncareer appointments in each agency, these authorities may be used to make noncareer SES appointments for transition purposes until April 30, 2021. An appointment made under this authority may not exceed 120 days. The appointment authority provided in this memorandum will revert to OPM on April 30, 2021, unless, on that date, it is being used for a temporary transition noncareer SES appointment. In that case, the authority will revert to OPM when the appointment ends.

The SF-50 initiating an appointment shall include remarks noting the temporary appointment with a "Not to Exceed" date consistent with the instructions in this memorandum, which may serve as the removal notice required by [5 CFR 359.902](#). Agencies shall notify OPM within five business days of an appointment by entering the appointment into the ESCS and submitting the completed OPM Form 1652 generated by the system. Agencies shall also notify OPM within three business days when the appointment ends, by vacating the position in ESCS.

OPM may grant additional noncareer SES appointment authorities based upon the demonstrated need of an agency. Please note that a noncareer SES appointment authority may only be used to fill a vacant SES General position established within the agency's existing SES position allocation. OPM's grant of a noncareer SES *appointment authority* does not increase an agency's *SES position allocation*, which is separately determined under [5 U.S.C. 3133](#). Under [5 U.S.C. 3134\(d\)](#), the cap on the number of noncareer SES appointments is 25 percent of allocated SES positions (except that this cap does not apply to an agency with fewer than four positions) and a higher cap applies to a few agencies under subsection (d). In the past, Congress has also imposed a different limit on a few agencies by separate legislation. Even so, the maximum number of noncareer appointments may not be available because [5 U.S.C. 3134\(b\)](#) restricts the total number of noncareer appointees in all agencies to not more than 10 percent of the total number of SES positions in all agencies.

For an individual the agency wishes to retain beyond the 120-day temporary appointment, the agency should request OPM approval for a noncareer authority that is not time-limited, or other appropriate appointing authority, as soon as possible to enable timely approval and avoid a break in service. A request may be initiated by entering a new request through ESCS and submitting the completed OPM Form 1652 generated by the system.

If you have any questions on this or other SES staffing matters, please contact the OPM SERS Group at (202) 606-2246 or via email at [SERS@opm.gov](mailto:SERS@opm.gov).