



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

The Director

Friday, February 23, 2018

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

FROM: KATHLEEN M. McGETTIGAN, ACTING 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. Although political appointees may not be excluded from consideration for Federal jobs because of their political affiliation, they must not be given 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 position (without time limits) in the civil service. 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 as well as fair and open competition free from political influence.

On March 18, 2016, Congress passed the Edward "Ted" Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015 (Transitions Improvements Act), requiring OPM to provide information about decisions we issue on agency requests to appoint current and former political appointees to covered title 5 civil service positions. This information is to be submitted on an annual basis and quarterly during the last year of a Presidential term or second consecutive term. The Transitions Improvements Act also defines "covered civil service position" in a manner that expands OPM's pre-appointment review coverage and adds new data reporting requirements.

To comply with the reporting requirements of the Transitions Improvements Act, this memorandum communicates a change to OPM's policy, which previously excluded pre-appointment reviews of current or former political appointees selected to certain permanent appointments. **Moving forward, OPM will review proposed selections of current or former political appointees 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.**

In no case may an agency make an appointment of the type described below without written authorization from OPM:

- 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 appointee who 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, Limited Term SES, Limited Emergency SES in the Executive Branch to a permanent competitive, non-political excepted service, or career SES position; and
- D. The appointment of a current or former political appointee in the Executive Branch (as described in the subsections above) to a covered position in an agency having established an interchange agreement with OPM, under Civil Service Rule 6.7, allowing movement from the agency's system to the competitive civil service.

OPM will continue to conduct merit staffing reviews of proposed career SES selections of current or former political appointees before the SES selections 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.

Any request to appoint a current or former political appointee to a competitive service, non-political excepted service, or career SES position should be sent to [PoliticalConversions@opm.gov](mailto:PoliticalConversions@opm.gov), with the information requested in the attached Pre-Appointment Checklists.

Should OPM determine the proposed selection is free from political influence and in compliance with merit system principles, applicable civil service laws, and regulations, agencies must send the following information, required by the Transitions Improvements Act, to [PoliticalConversions@opm.gov](mailto:PoliticalConversions@opm.gov):

- 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, Deputy Associate Director, Merit System Accountability and Compliance, at (202) 606-4309 or [ana.mazzi@opm.gov](mailto:ana.mazzi@opm.gov).

#### Attachments

cc: Chief Human Capital Officers  
Human Resources Directors