



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

The Director

Thursday, August 11, 2016

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

FROM: BETH F. COBERT, ACTING DIRECTOR

Subject: Political Appointees and Career Civil Service Positions

*NOTE: This guidance has been superseded by this February 23, 2018 memorandum:*  
<https://www.chcoc.gov/content/political-appointees-and-career-civil-service-positions-3>

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 ensure the best qualified candidates are selected for Federal jobs after fair and open competition. 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 recent political appointee to a competitive, career senior executive, or non-political excepted service position, at any level, under the provisions of 5 U.S.C. A former or recent political appointee is someone who held a political appointment covered by OPM's policy within the previous five-year period. OPM's oversight in this area safeguards merit system principles and assures fair and open competition free from political influence.

On March 18, 2016, Congress passed Public Law 114-136 requiring OPM to provide information about decisions we issue on agency requests to appoint current and recent 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. Public Law 114-136 also defines "covered civil service position" in a manner that expands OPM's pre-appointment review coverage and adds new data reporting requirements. Therefore, the following procedures have been revised to comply with the new requirements.

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 to a competitive or non-political excepted service position;
- B. The appointment of a current or former Schedule A or Schedule C political appointee, or an appointee who serves in a political capacity under agency-specific authority in the Executive Branch, to a competitive or non-political excepted service position;
- C. The appointment of a current or former non-career SES Executive Branch employee to a competitive or non-political excepted service position; and

- D. The appointment of a current or former political appointee or non-career SES Executive Branch employee 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 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 meet merit system principles before such cases are forwarded to the QRB.

Any request to appoint a current or former political appointee to a competitive or non-political excepted service position should be sent to [PoliticalConversions@opm.gov](mailto:PoliticalConversions@opm.gov), with the information requested in the attached Pre-Appointment Checklists (see Attachments A and B). OPM revised the Pre-Appointment Checklists to comply with data reporting requirements of Public Law 114-136. The revised checklists include a request for the appointment date and rate of basic pay of the current or recent political appointee and the proposed rate of basic pay of the proposed civil service position.

Additionally, 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 to [PoliticalConversions@opm.gov](mailto:PoliticalConversions@opm.gov):

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

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:

- A. [Agency Pre-Appointment Checklist Competitive Service Positions](#)
- B. [Agency Pre-Appointment Checklist Non-Political Excepted Service Positions](#)

cc: Chief Human Capital Officers, and Human Resources Directors

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\* Subparagraph D of this memorandum is not a requirement of Public Law 114-136 but is included to communicate OPM's pre-appointment review policy for covered positions in agencies operating under an interchange agreement with OPM.