



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

The Director

Thursday, November 5, 2009

**MEMORANDUM FOR: Heads Of Executive Departments And Agencies**

FROM: John Berry, 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 ensure the best qualified candidates are selected for Federal jobs after fair and open competition. In light of the historical origins of the civil service system, OPM's role as guardian of the merit system is especially important when a Federal agency selects a political appointee for a position in the civil service. While 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.

Pursuant to our oversight authority under 5 U.S.C. Section 1104(b)(2) and 5 CFR Section 5.2, OPM requires Federal agencies to seek our approval before selecting a political appointee for a competitive service position during a Presidential election year. OPM's oversight in this area safeguards merit system principles and assures fair and open competition free from political influence. However, if the proposed civil service job is below the Senior Executive Service (SES) level, OPM's review has been limited only to competitive service appointments and only those appointments that take place during a Presidential election year. In contrast, OPM conducts merit staffing reviews of proposed SES appointments whenever they occur.

I believe we must hold ourselves and the government to a higher standard, one that honors and supports the President's strong commitment to a Government that is transparent and open. OPM's responsibility to uphold the merit system is not limited to Presidential election years nor to competitive service appointments. That is why I am instituting a change in OPM policy with respect to hiring political appointees for civil service jobs.

Beginning January 1, 2010, agencies must seek prior approval from OPM before they can appoint a current or recent political appointee to a competitive or non-political excepted service position at any level under the provisions of title 5, United States Code. OPM will review these proposed appointments to ensure they comply with merit system principles and applicable civil service laws. I have delegated decisionmaking authority over these matters to career Senior Executives at OPM to avoid any hint of political influence.

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 political Schedule A or Schedule C Executive Branch employee or a former political Schedule A or Schedule C Executive Branch employee who held the position within the last five years to a competitive or non-political excepted service position under title 5 of the U.S. Code.
- B. The appointment of a current Non-career SES Executive Branch employee or a former Non-career SES Executive Branch employee who held the position within the last five years to a competitive or non-political excepted service position under title 5 of the U.S. Code.

OPM will continue to conduct merit staffing reviews for all proposed career SES selections involving a political Schedule A, Schedule C, or Non-career SES political appointee before the SES selections are presented to OPM's Qualifications 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 via [email](#) with the information requested in the attached Pre-Appointment Checklists.

If you have any questions or need further information about the requirements established by this memorandum, please contact Ana Mazzi, Deputy Associate Director, Merit System Accountability & 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  
Human Resources Directors

**\*\*NOTE:** This memo was updated on 03/19/2012 and 11/17/2015 to reflect point of contact and organization name changes. Furthermore, report requirements have changed, effective 2016. See the [memo on this subject from OPM's Acting Director issued on August 11, 2016](#). New checklists are posted at: <https://www.opm.gov/policy-data-oversight/oversight-activities/political-conversions/>.\*\*