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Date

DEPARTMENT OF COMMERCE
OFFICE OF HUMAN RESOURCES MANAGEMENT

HUMAN RESOURCES (HR) BULLETIN #276, FY26

SUBJECT: Schedule Policy/Career Prohibited Personnel Practices

EFFECTIVE DATE: Upon release of this Human Resources (HR) Bulletin

EXPIRATION DATE: Effective until canceled or superseded

SUPERSEDES: HR Bulletin #275, FY26, issued April 9, 2026

BACKGROUND: On January 20, 2025, the President signed Executive Order (E.O.) 14171, “Restoring Accountability to Policy-Influencing Positions Within the Federal Workforce.” E.O. 14171 reinstated and amended E.O. 13957, “Creating Schedule F in the Excepted Service.” Section 6(a) of E.O. 13957 directs federal agencies to “establish rules to prohibit the same personnel practices prohibited by section 2302(b) of title 5, United States Code, with respect to any employee or applicant for employment in Schedule Policy/Career of the excepted service.” The Office of Personnel Management (OPM) published the Final Rule titled “Improving Performance, Accountability and Responsiveness in the Civil Service” on February 5, 2026.

PURPOSE: This human resources (HR) Bulletin establishes the Department of Commerce’s (Department) policy with respect to prohibited personnel practices (PPPs) for Department employees in, and applicants to, Schedule Policy/Career positions, and establishes an effective process for the Department to review allegations of PPPs and take appropriate action as necessary.

COVERAGE: This policy applies to: all Department employees who encumber a Schedule Policy/Career position; all applicants for a Schedule Policy/Career position with the Department; and all Department officials with authority to take, direct, recommend, or approve personnel actions with respect to applicants to, or Department employees encumbering, Schedule Policy/Career positions. This policy does not diminish or abridge any right of any employee or applicant granted by law or regulation.

POLICY: It is the policy of the Department to ensure that all personnel actions are carried out fairly, transparently, and in strict adherence to applicable laws. Department employees, supervisors, and managers shall not engage in any PPPs as defined herein with respect to any Schedule Policy/Career employees or applicants for Schedule Policy/Career positions. PPPs undermine the integrity of the federal civil service and may result in disciplinary action, up to and including removal, for any Department employee who is found to have committed a PPP.

It shall be a PPP for any Department employee who has authority to take, direct others to take, recommend, or approve any personnel action, to, with respect to such authority, engage in any of the following actions with respect to any Schedule Policy/Career employee or applicant for a Schedule Policy/Career position:

1. Discriminate for or against any employee or applicant based:
 - a. on the basis of race, color, religion, sex, or national origin, as prohibited under section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16);
 - b. on the basis of age, as prohibited under Sections 12 and 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 631, 633a);
 - c. on the basis of sex, as prohibited under Section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d));
 - d. on the basis of a handicapping condition, as prohibited under section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791); or
 - e. on the basis of marital status or political affiliation, as prohibited under any law, rule, or regulation;
2. Solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action unless such recommendation or statement is based on the personal knowledge or records of the person furnishing it and consists of:
 - a. an evaluation of the work performance, ability, aptitude, or general qualifications of such individual; or
 - b. an evaluation of the character, loyalty, or suitability of such individual;
3. Coerce the political activity of any person (including the providing of any political contribution or service), or take any action against any employee or applicant for employment as a reprisal for the refusal of any person to engage in such political activity;
4. Deceive or willfully obstruct any person with respect to such person's right to compete for employment;

5. Influence any person to withdraw from competition for any position for the purpose of improving or injuring the prospects of any other person for employment;
6. Grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment (including defining the scope or manner of competition or the requirements for any position) for the purpose of improving or injuring the prospects of any particular person for employment;
7. Appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position any individual who is a relative (as defined in section 3110(a)(3) of title 5) of such employee if such position is in the agency in which such employee is serving as a public official (as defined in section 3110(a)(2) of title 5) or over which such employee exercises jurisdiction or control as such an official
8. Take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of:
 - a. any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences:
 - i. any violation of any law, rule, or regulation, or
 - ii. gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs;
 - b. any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences:
 - i. any violation (other than a violation of this section) of any law, rule, or regulation, or
 - ii. gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or
 - c. any disclosure to Congress (including any committee of Congress) by any employee of an agency or applicant for employment at an agency of information described in subparagraph (b) that is:
 - i. not classified; or
 - ii. if classified— 1. has been classified by the head of an agency that is not an element of the intelligence community (as defined by section 3 of the

National Security Act of 1947 (50 U.S.C. 3003)); and 2. does not reveal intelligence sources and methods.

9. Take or fail to take, or threaten to take or fail to take, any personnel action against any employee or applicant for employment because of:
 - a. the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation:
 - i. with regard to remedying a violation of paragraph (8); or
 - ii. other than with regard to remedying a violation of paragraph (8);
 - b. testifying for or otherwise lawfully assisting any individual in the exercise of any right referred to in subparagraph (a)(i) or (ii);
 - c. cooperating with or disclosing information to the Inspector General (or any other component responsible for internal investigation or review) of an agency, or the Special Counsel, in accordance with applicable provisions of law; or refusing to obey an order that would require the individual to violate a law, rule, or regulation
10. Discriminate for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others; except that nothing in this paragraph shall prohibit an agency from taking into account in determining suitability or fitness any conviction of the employee or applicant for any crime under the laws of any State, of the District of Columbia, or of the United States;
11. Knowingly take, recommend, or approve any personnel action if the taking of such action would violate a veterans' preference requirement; or knowingly fail to take, recommend, or approve any personnel action if the failure to take such action would violate a veterans' preference requirement;
12. Take or fail to take any other personnel action if the taking of or failure to take such action violates any law, rule, or regulation implementing, or directly concerning, the merit system principles contained in section 2301 of title 5;
13. Implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement:
 - a. does not contain the following statement: "These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or

a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling;" or

b. prohibits or restricts an employee or applicant for employment from disclosing to Congress, the Special Counsel, the Inspector General of an agency, or any other agency component responsible for internal investigation or review any information that relates to any violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or any other whistleblower protection; or

14. Access the medical record of another employee or an applicant for employment as a part of, or otherwise in furtherance of, any conduct described in paragraphs (1) through (13). This policy shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress.

Complaint Process:

1. Schedule Policy/Career employees at the Department, as well as applicants for Schedule Policy/Career positions may file a complaint of an alleged PPP with the Department's Office of the General Counsel (OGC), which is authorized to adjudicate violations of this policy. The complaint should be submitted to SchedulePCComplaints@doc.gov.
2. Any complaint must be filed within 30 days of the date of the alleged PPP ==, or within 30 days of the date the employee or applicant for employment became aware of (or reasonably should have become aware of) the alleged PPP.
3. The complaint must contain a sufficiently detailed statement of the specific facts, the remedy sought, and any documentation in the employee or applicant's possession supporting the complaint.
4. OGC will review the complaint, determine whether and how to initiate an investigation, and designate a Department official to adjudicate the complaint and recommend corrective action, if necessary. OGC may either investigate the complaint or delegate responsibility for conducting such investigation to officials in another Department office but shall in all cases ensure that the investigation is conducted by an unbiased Department official.
5. The Deputy General Counsel for Administration (DGCA), or their designee, will issue a written decision including any corrective action, normally, within 90 days from the filing date of the complaint. The decision of the DGCA is not subject to further review; except that the DGCA may reopen any decision and reconsider such decision de novo upon their

own initiative. Any reconsidered decision becomes the final agency decision and is not subject to further review. OGC's Office of Accountability will also propose appropriate disciplinary action against an employee who has committed a PPP for decision by the relevant management official.

6. Nothing in this Bulletin shall be construed to abridge or restrict the right of any Department employee or applicant for employment to file a complaint of discrimination if they believe they have been discriminated on the basis of the following: race, color, religion (including denial of accommodation), sex (including pregnancy), national origin, age (beginning at age 40), disability (including denial of accommodation), genetic information (including family medical history), pregnancy accommodation, or protected Equal Employment Opportunity (EEO) activity (i.e., retaliation for opposing these types of discrimination, for participating in the EEO complaint process, or engaging in other protected activity).
7. Employees or applicants who believe they have been subjected to discrimination as described in Paragraph 6 must contact an agency EEO counselor before filing a formal complaint. Contact must be initiated within 45 calendar days of the alleged discriminatory action. This process is administered by Bureau EEO Officers; their contact information is available at <https://www.commerce.gov/cr/about-us/ocr-staff/bureau-eeo-officers>. Filing a complaint through the process described in this Bulletin will not toll the deadlines for filing an EEO complaint.
8. If an employee or applicant has already filed an EEO complaint under Department Administrative Order (DAO) 215-9, "Processing Complaints of Discrimination," he/she cannot then file a complaint pursuant to this bulletin on the same subject. If an employee or applicant files a complaint pursuant to this bulletin and, before a final decision is made by the DGCA, files an EEO complaint under DAO 215-9 on the same subject, the complaint filed with the DGCA will not be further processed because the filing of the EEO complaint is a binding election of the EEO complaint process. If an employee or applicant files a complaint pursuant to this bulletin on a subject and the DGCA or their designee issues a final decision on the complaint, the employee or applicant cannot then file an EEO complaint under DAO 215-9 on the same subject.
9. Nothing in this Bulletin should be construed to abridge or restrict the right of an employee in Schedule Policy/Career to file a grievance under an applicable collective bargaining agreement alleging that they have been subjected to a PPP, if that agreement allows an employee to file such a grievance.

Non-disclosure and Whistleblower Protection

1. No Department policy, nondisclosure agreement, or directive may limit an employee's right to: report PPPs to Inspector Generals, Congress, or any other authorities permitted by law, rule, regulation, or policy.

2. No Department employee shall retaliate against an employee for filing a complaint or participating in any investigation or inquiry conducted as described in this policy. Prohibited retaliation includes but is not limited to harassment; taking or threatening to take an unfavorable personnel action; withholding, threatening to withhold, or recommending withholding a favorable personnel action; or any other conduct designed to punish an employee covered under this policy for filing a complaint or participating in any investigation or inquiry as described in this policy.

REFERENCES: E.O. No. 14171, *Restoring Accountability to Policy-Influencing Positions Within the Federal Workforce*, 90 Fed. Reg. 8631 (Jan. 31, 2025); E.O. 13957, *Creating Schedule F in the Excepted Service*, 85 Fed. Reg. 67631 (Oct. 26, 2020); Improving Performance, Accountability and Responsiveness in the Civil Service, 91 Fed. Reg. 5580 (Feb. 6, 2026).

OFFICE OF TALENT POLICY: TalentPolicy@doc.gov