
Approved for Release
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Date

DEPARTMENT OF COMMERCE
OFFICE OF HUMAN RESOURCES MANAGEMENT
HUMAN RESOURCES (HR) BULLETIN #279, FY26

SUBJECT: Schedule Policy/Career Appointments

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

EXPIRATION DATE: Effective until canceled or superseded

SUPERSEDES: None

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.” The Office of Personnel Management (OPM) published the final rule titled “Improving Performance, Accountability and Responsiveness in the Civil Service” on February 5, 2026. This rule is codified in parts 212, 213, and 302 of Title 5, Code of Federal Regulations (CFR).

PURPOSE: This Human Resources (HR) Bulletin establishes the Department of Commerce’s (Department) policy regarding appointments in Schedule Policy/Career.

COVERAGE: This policy applies to all applicants for a position in Schedule Policy/Career at 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.

POLICY: The Department administers appointments, hiring actions, and employment practices applicable to Schedule Policy/Career positions in accordance with applicable laws, regulations, E.O.s, and OPM guidance. The following provisions govern appointments to and employment in positions placed into Schedule Policy/Career:

1. Definition

Schedule Policy/Career is an excepted service schedule for positions of a confidential, policy-determining, policy-making, or policy-advocating character, as established under E.O. 13957, as amended.

2. Policy Statement

All actions taken under this policy must be carried out fairly, transparently, and in strict adherence to applicable law.

3. Appointments

Appointments to Schedule Policy/Career positions that were previously in the competitive service will be made using the same merit-based competitive hiring procedures. Positions moved from another excepted service schedule into Schedule Policy/Career will be filled pursuant to the same rules applicable to the prior excepted service schedule. New positions established within Schedule Policy/Career will be filled using the hiring procedures available within the excepted service.

4. Veterans' Preference

When making appointments to positions in Schedule Policy/Career, the Department must apply the principles of veteran's preference as far as administratively feasible. Where numerical ratings are used in the evaluation and referral of candidates, the Department shall follow the regulations related to veterans' preference in competitive examining found in 5 CFR Part 302 and Part 337, Subpart A. When category ratings are used, the Department will follow 5 CFR, Part 337, Subpart C, and where another process is used, veteran's preference must be considered a positive factor.

5. Competitive Status

Schedule Policy/Career new hires who are appointed via merit-based competitive hiring process will acquire competitive status after completing two years of continuing service in the same or similar positions.

6. Job Opportunity Announcements

In an appropriate Section of the job opportunity announcement on USAJOBS (e.g., under "Conditions of Employment") or in an appropriate section in other public facing job postings, insert the following language:

This position is in Schedule Policy/Career of the excepted service. Your employment in this position will be at-will. Merit Systems Protection Board (MSPB) appeals of adverse actions concerning performance, discipline, and other matters arising under chapters 23, 43, and 75 of title 5, U.S.C., will not be available to an individual serving in this position.

7. Pre-Employment or Onboarding Documentation

All new hires must sign an acknowledgement that contains the information set forth below when accepting an offer of a position in Schedule Policy/Career (see **Attachment A, "Notice to Applicant Selected for Schedule Policy/Career Position"**). Upon offer of employment, the servicing HR office will provide notification to the new hire that:

- a. Acceptance of this position will result in the new hire occupying an excepted service position in Schedule Policy/Career.
- b. The new hire will serve at-will.
- c. The new hire will not have a right to appeal to the MSPB concerning performance, discipline, and matters arising under chapters 23, 43, and 75 of title 5, U.S.C.
- d. Prohibitions on prohibited personnel practices will be enforced by the Office of the General Counsel and not the Office of Special Counsel.
- e. The new hire will obtain competitive status, where applicable, after two years of service in the position.

Attachment A includes an acknowledgment that the new hire has read and understood this information, and that they have signed this notice voluntarily and not under duress.

All current Department employees whose positions are moved to Schedule Policy/Career must sign **Attachment B, "Acknowledgment of Conditions of Continued Employment for Employees Moved to Schedule Policy/Career."**

REFERENCES: E.O. 14410, *Implementing Schedule Policy/Career in the Excepted Service*, 91 Fed. Reg. 34893 (Jun. 3, 2026); E.O. 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); 5 CFR parts 213, 302, 337, 537, and 575, including 5 CFR 213.3601(b) and (c).

OFFICE OF TALENT POLICY: TalentPolicy@doc.gov

Attachment A

Notice to Applicant Selected for Schedule Policy/Career Position

Congratulations on your recent offer for a position in Schedule Policy/Career with the Department of Commerce. As this position is in Schedule Policy/Career, it is important to highlight several key ways in which it differs from many other federal positions:

- This position is in the excepted service and your service in this position will be at-will.
- You will not have the right to appeal adverse actions concerning performance, discipline or other matters arising under chapters 23, 43, and 75 of title 5, United States Code to Merit Systems Protection Board (MSPB) appeals. You will obtain competitive status after two years of service in this position [where applicable].
- Prohibitions on prohibited personnel practices will be enforced by the Office of General Counsel and not the Office of Special Counsel.

For additional information concerning Schedule Policy/Career, please review Executive Orders 13957 and 14171, the Schedule Policy/Career Final Rule 91 FR 3438, and OPM's guidance memorandum dated February 5, 2026, which is available at <https://www.opm.gov/chcoc/latest-memos/opm-schedule-policycareer-implementation-guidance-memorandum.pdf>. You may also contact your servicing human resources office.

Statement of Acceptance of Excepted Service Position

I have read the above information and understand that I am being appointed to the position of **[Insert Position Title, Pay Plan-Series-Grade, Bureau/Operating Unit]** in Schedule Policy/Career in the excepted service under Title 5 of the United States Code. I acknowledge that I will serve at-will in this position. I also acknowledge that this position does not confer rights to appeal an action to the MSPB concerning performance, discipline, or whistleblowing. I knowingly and voluntarily accept the position as it has been presented to me.

Receipt Acknowledged by Employee:

Signature of Applicant

Print Name

Date

Attachment B

**Acknowledgment of Conditions of Continued Employment
for Employee Moved to Schedule Policy/Career**

This letter serves as notice that I, **[Insert Employee Name]** received information concerning the requirements for continued employment as a **[Insert Position Title, Pay Plan-Series-Grade]** with the Department of Commerce **[Insert Bureau/Operating Unit]**.

I understand I will serve in an excepted service, Schedule Policy/Career position beginning **[Date]**.

I understand that my service in this position will be at-will.

I understand that my position does not confer appeal rights to the Merit System Protections Board (MSPB) concerning performance, discipline, or any other matter arising under chapters 23, 43, and 75 of title 5, United States Code.

I understand that prohibitions on prohibited personnel practices will be enforced by the Office of the General Counsel and not the Office of Special Counsel.

I understand that the above paragraphs are conditions of my continued employment.

Signature of Employee

Date

Print Name