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Subject: OPM Final Rule to Reinforce and Clarify Protections for Nonpartisan Career Civil Service

Good morning,

Today, the U.S. Office of Personnel Management (OPM) [announced a final rule](#) that clarifies and reinforces long-standing protections and merit system principles for career civil servants. The Biden-Harris Administration is deeply committed to federal workers, who are vital to our national security, health, economic prosperity, and much more. The public inspection issue of the final rule is available for review on the Federal Register Public Inspection page here: [2024-06815.pdf \(federalregister.gov\)](#) and attached.

The previous Administration issued an Executive Order that risked altering our country's long-standing civil service system. That Executive Order created a new excepted service schedule, known as "Schedule F," and directed agencies to move potentially large swathes of career employees into this new excepted service status. Doing so would have purportedly stripped them of their civil service protections that ensure that decisions to hire and fire are based on merit, not political considerations.

Career federal employees deliver critical services for Americans in every community and prior attempts to needlessly politicize their work risked harming the American people. This rule advances the Administration's goals to protect, empower, and rebuild the federal workforce.

The final regulation implements the following regulatory amendments:

1. First, the final rule clarifies that the status and civil service protections an employee has accrued cannot be taken away by an involuntary move from the competitive service to the excepted service, or from one excepted service schedule to another. Once a career civil servant earns protections, that employee keeps them unless waived voluntarily.
2. Second, the final rule clarifies that the phrase "confidential, policy determining, policymaking, or policy-advocating" positions—a term of art to describe positions that lack civil service protections—means noncareer, political appointments. This rule prevents that exception, from being misapplied to career civil servants.
3. Third, the final rule establishes procedural requirements for moving positions from the competitive service to the excepted service and within the excepted service. This change both creates transparency and establishes an appeals process for federal employees when any such movement is involuntary and characterized as stripping employees of their civil service protections.

Actual publication of the final rule in the Federal Register will be on Tuesday, April 9, 2024. We will follow up on Tuesday with the official Federal Register notice.

Let us know if you have any questions.

Thank you.

U.S. Office of Personnel Management

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