

APPENDIX NO. 3

SCHEDULE C POSITIONS

Schedule C positions are excepted from the competitive service because of their confidential or policy-determining character. Most such positions are at grade 15 of the General Schedule or lower. Schedule C positions above the GS-15 level are either in the Senior Level (SL) personnel system or are specifically authorized in law.

The decision concerning whether to place a position in Schedule C is made by the Director, U.S. Office of Personnel Management, upon agency request. Such requests are considered on a case-by-case basis. In addition to consideration of the justification submitted by the agency, OPM may conduct an independent review and analysis. In addition to the Schedule C positions authorized by the OPM Director, a limited number of positions may be placed under Schedule C by Executive Order of the President or by legislation.

Requests for Schedule C exception are appropriate when:

- (1) The position involves making or approving substantive policy recommendations; or
- (2) The work of the position can be performed successfully only by someone with a thorough knowledge of and sympathy with the goals, priorities, and preferences of an official who has a confidential or policy determining relationship with the President or the agency head. There are special requirements for the types of superiors who are eligible for Schedule C secretaries.

The immediate supervisor of a Schedule C position must be a Presidential appointee, a Senior Executive Service appointee (career or noncareer) occupying a General position, or a Schedule C appointee. The immediate supervisor may not occupy a position in the competitive service or a Career Reserved position in the Senior Executive Service.

The only time when OPM approval is not required for a Schedule C position is when a position is filled by a temporary Schedule C appointment during a Presidential transition, a change of agency head, or establishment of a new agency. Temporary Schedule C positions may be established for 120 days, with one extension of 120 days, under conditions prescribed by OPM. There is a limit on the number of such positions that can be established by an agency. New appointments may be made only during the 1-year period beginning on the date of the agency head's appointment, a new Administration or establishment of a new agency.

By law, the agency head must certify to OPM that both Schedule C and temporary Schedule C positions are not being requested for the sole purpose of detailing the incumbent to the White House.

Agencies may fill Schedule C positions noncompetitively. Because of the confidential or policy-determining nature of Schedule C positions, the incumbents serve at the pleasure of the appointing authority (usually the agency head) and may be removed at any time. They are not covered under conduct-based or performance-removal procedures that apply to certain other excepted Service appointees.

Schedule C positions authorized by OPM are automatically revoked when the incumbent leaves the position (i.e., there is no such thing as a "vacant" Schedule C position).