Presidential Transition Guide for Federal Human Resources Management Matters

Election Year 2024

Updated guidance for incoming or second-term Administration and agency officials who have transition responsibilities

U.S. Office of Personnel Management

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Contents

This Guide provides any incoming or second-term Administration and agency officials who have transition responsibilities, with a detailed description of the various rules, regulations, and policies that govern the establishment of transition teams, the departure and appointment of political appointees, and the treatment of career Federal employees (especially members of the Senior Executive Service) during the transition period.

I. Standards of Ethical Conduct

This section provides general guidance on contacts with lobbyists, seeking work outside the Federal Government, post-employment restrictions, and the protection of Federal records from unauthorized removal. For answers to specific questions, guidance should be sought from agency ethics officials.

Overview

All executive branch employees are subject to the Standards of Ethical Conduct for Employees of the Executive Branch, *5 CFR part 2635*. The standards include 14 basic principles of ethical conduct and provide uniform rules about gifts from outside sources, gifts between employees, conflicting financial interests, impartiality in performing official duties, seeking other employment, misuse of position, and outside activities. Some employees are also subject to supplemental regulations if promulgated by their agencies.

Each agency head is responsible for administering that agency's ethics program and for appointing a Designated Agency Ethics Official (DAEO) and an Alternate DAEO who, along with their supporting ethics officials, administer the agency's ethics program. The agency's ethics program office is generally responsible for the following:

- Providing counseling and advisory services;
- Providing ethics education and training programs;
- Reviewing financial disclosure reports;
- Monitoring administrative actions and sanctions for ethics violations; and
- Communicating with the Office of Government Ethics (OGE).

The OGE provides overall policy leadership for executive branch departments and agencies. OGE reviews public financial disclosure reports of executive branch Presidential appointees requiring Senate confirmation and certain White House officials to determine whether any entries on the forms may give rise to potential or actual violations of applicable laws or regulations and to recommend any appropriate corrective action. OGE also provides advice on other ethics matters for new Presidential appointees, Senior Executive Service (SES) appointees, and Schedule C employees. Schedule C employees are those who are excepted from the competitive service because they occupy positions that are of a character exclusively associated with a noncareer political appointment that is identified by its close working relationship with the President, head of an agency, or other key appointed officials who are responsible for furthering the goals and policies of the President and the Administration, and that carries no expectation of continued employment beyond the presidential administration during which the appointment occurred.

Transition Issues

Lobbying Disclosure Act

The Lobbying Disclosure Act, Public Law 104-65 *[2 U.S.C. Chapter 26, sec. 1601 et seq.]*, imposes disclosure and registration requirements on lobbyists who contact covered legislative and executive branch officials. It also requires that a "covered executive branch official" who is contacted by a lobbyist disclose the fact that he or she is a covered executive branch official upon the request of the person making the lobbying contact. "Covered executive branch officials" are:

A. The President;

B. The Vice President;

C. Any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

D. Any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive order;

E. Any member of the uniformed services whose pay grade is at or above O-7 under 37 U.S.C. 201; and

F. Any officer or employee serving in a position of a confidential, policy-determining, policymaking, or policy-advocating character described in 5 U.S.C. 7511(b)(2)(B).

Generally, the Act applies to Presidential appointees requiring Senate confirmation (PAS) and Schedule C employees but does not apply to members of the SES (unless they meet the criteria in C or D, above). If you have any questions about who is considered a lobbyist, how you should respond to contacts from lobbyists, and what your responsibilities are under the Act, you should contact your agency's General Counsel.

Federal Employees Seeking Non-Federal Employment

Pursuant to 18 U.S.C. 208, executive branch employees are generally prohibited from performing work in their Government jobs on matters that would affect the financial interest of someone with whom they are negotiating for employment. The Standards of Ethical Conduct for Executive Branch Employees *[5 CFR part 2635]* have a similar rule that applies even before back-and-forth negotiations begin and may apply even when an employee has only sent a resumé to a prospective employer. Participation in some procurement matters can subject employees to additional requirements relating to private employment contracts.

In accordance with the Stop Trading on Congressional Knowledge Act of 2012 (STOCK Act), any employee who is required to file a public financial disclosure report must file a signed notification statement with his or her agency ethics official within three business days after commencing negotiations or entering into an agreement with a non-Federal entity to accept post-Government employment or compensation. The statement must identify the entity and specify the date the negotiations or agreement commenced. A public filer must also document his or her disqualification from any particular matter that would have a direct and predictable effect on the financial interests of the entity and submit that signed disqualification document to his or her agency ethics official.

Employees should be careful not to misuse Government resources (such as official time, the services of other employees, equipment, supplies, or restricted information) in connection with job-seeking. After an employee has accepted a job outside the Government, he or she must continue to refrain from working on matters in his or her Government job that would affect the financial interest of the future employer.

If an agency offers outplacement services to all its employees, departing noncareer employees may use these services. However, an agency may not establish outplacement services for noncareer employees only. *[See Appendix A, Question 6, for additional information.]*

Post-Employment Restrictions

There are certain restrictions on employees after their separation from Government service. Generally, these restrictions apply to representational activities, and their application varies depending on the employee's duties and level of authority *[18 U.S.C. 207]*. Additional restrictions were imposed by Executive Order 13989. Information on these restrictions may be accessed at the Office of Government Ethics website including *FAQs on Post-Employment Under the Ethics Pledge*. Agency ethics officials are also available to provide more specific advice on post-employment restrictions before and after Government service.

Protecting Federal Records from Unauthorized Removal

National Archives and Records Administration (NARA) guidance reminds heads of Federal agencies that official records must remain in the custody of the agency. Federal officials should be aware that there are criminal penalties for the unlawful removal or destruction of Federal records *[18 U.S.C. 2071]* and the unlawful disclosure of national security information *[18 U.S.C. 793, 794, and 798]*. Departing Federal officials should contact their agency records officer if they have questions about maintaining and disposing of records and extra copies of records.

Agency records officers should have Documenting Your Public Service and Guidance For Agency Employees on the Management of Federal Records, Including Email Accounts, and the Protection of Federal Records from Unauthorized Removal, two NARA publications that address records creation and maintenance procedures and distinguishing between records and personal documentary materials. NARA records management regulations address the identification and protection of Federal records and are also accessible at 36 CFR Chapter XII, Subchapter B.

II. Positions and Individuals Subject to Change in a Transition

This section provides an overview on positions subject to change, assigning Federal employees to a transition team, providing continuity in key operations through overlapping assignments, and separating political appointees. In a May 24, 2024, Memorandum to Heads of Departments and Agencies, the Director of OPM asked agencies to review all personnel actions to make sure they meet the requirements of civil service laws, rules, and regulations and are free of impropriety. The Director reminded agencies of their obligation to undertake personnel actions in a manner that conforms fully to the merit system principles and does not involve prohibited personnel practices.

Overview

Positions that are generally subject to change during transitions are listed in a document called United States Government Policy and Supporting Positions, commonly known as the Plum Book. OPM has prepared this document every 4 years at the request of Congress. However, in 2022, the Periodically Listing Updates to Management (PLUM) Act (codified at 5 U.S.C. 3330f) mandated that the Plum Book sunset after a final publication in 2024. The PLUM Act also mandated that OPM establish, host, and maintain a public-facing website containing information on policy and supporting positions as defined at 5 U.S.C. 3330f(a)(5) for the sitting administration and each subsequent administration. [OPM's Plum Reporting Website]

There are four broad categories of individuals or positions that may be changed during a transition:

- Presidential appointments made with the advice and consent of the Senate (PAS) to positions in which the incumbent serves at the pleasure of the President;
- Other Presidential appointments (PA) to positions in which the incumbent serves at the pleasure of the President;
- Noncareer Senior Executive Service (SES) appointments; and
- Appointments to other positions in which the incumbent serves at the pleasure of the agency head. These positions, commonly known as "Schedule C" positions, are excepted from competitive service rules by OPM based on their character exclusively associated with a noncareer political appointment that is identified by

its close working relationship with the President, head of an agency, or other key appointed officials who are responsible for furthering the goals and policies of the President and the Administration and carries no expectation of continued employment beyond the presidential administration during which the appointment occurred.

Positions in these four categories normally include Cabinet officers and heads of other executive branch agencies; Under Secretaries; Assistant Secretaries; Directors of bureaus and services; and chairpersons and members of boards, commissions, and committees.

Incumbents of most of these positions customarily resign at the request of the new incoming administration or before a new agency head takes office. It also is common for an incoming administration to ask certain persons to remain in their jobs during the transition to ensure continuity during the initial period of staffing.

Transition Issues

Details to the Transition Team

The Presidential Transition Act of 1963, as amended, establishes the transition team as a Federal entity to provide for the orderly transfer of power between administrations *[3 U.S.C. 102 note]*. In addition to providing that the transition team may hire its own staff, the Act provides for the detail of Federal employees to the transition team after the November election as follows:

- Any employee of any agency of any branch of the Government may be detailed to the office staff of either the President-elect or the Vice President-elect.
- The employee must be detailed on a reimbursable basis, and the detail must be with the consent of the lending agency head.

In October 2024, the U.S. Office of Special Counsel (OSC) issued a Hatch Act Advisory Opinion Regarding Service on a Presidential Transition Team.

Overlapping in Key Positions

Agencies cannot employ two individuals in the same position at the same time ("dual incumbency"). However, to provide continuity in key positions and meet other transition needs, agencies can use the following options:

- When an incumbent's intention to leave has been documented, an agency may establish a different position to employ a designated successor for a brief period pending the incumbent's departure. For example, when an office director is leaving, the agency may establish a temporary special assistant position for a short period to facilitate orientation of the incoming director to the office's operations.
- OPM may authorize the use of SES limited appointment authorities for short periods of time for temporary executive positions. *[5 CFR 317.601(c)(2)]*
- Agencies may also establish temporary transitional Schedule C positions for similar non-executive positions to help with transitions. *[5 CFR 213.3302]*

Involuntary Separations and Resignations

Presidential Appointees and Immediate Staff

When the President accepts the resignation of a Presidentially appointed policy-making officer, the separation is involuntary. A separation is involuntary at any time the resignation is submitted and accepted, whether or not it is related to a change in Presidential administrations. Further, when the President has accepted the resignation of a Presidential appointee, the resignation of a noncareer SES or Schedule C employee who works for that Presidential appointee is involuntary. For purposes of retirement, agencies should include documentation with a retirement application that the President has accepted the resignation of the appointee, or that the Presidential appointee for whom a noncareer SES or Schedule C appointee works is leaving.

Requested Resignations

When an agency separates an employee, who submits their resignation in response to a request from a recognized representative of the new Presidential administration, that separation is involuntary for retirement purposes. The representative must have the authority to request the employee's resignation, and the resignation must be requested specifically from that employee. The agency should attach a copy of the request for the resignation with the individual's retirement application. Unsolicited resignations, i.e., those based on an anticipated request for a resignation and those prompted by personal choice, are voluntary for retirement purposes.

Caution about Separations

For legal reasons, notices of dismissals should avoid a tone that implicates in any way an employee's reputation. Agencies should consult their own General Counsel or legal office for guidance in this area. *[See Appendix C for a sample separation notice.]*

III. Appointments

This section provides a discussion of Presidential appointments, Senior Executive Service appointments, and appointments in the excepted service.

Presidential Appointments

Overview

Officers and employees who serve at the pleasure of the President or other appointing official may be asked to resign or may be dismissed at any time. They are not covered by standard civil service removal procedures and generally have no right to appeal terminations, unless they are alleging that such action was taken for prohibited discriminatory reasons. Agencies should consult their General Counsel for assistance in this area.

In certain cases, the statute creating a position provides that an individual appointed by the President may be removed only for cause or at the end of a statutory term of appointment. These provisions are found most commonly in statutes establishing quasi-judicial entities or independent regulatory agencies. Individuals in positions with statutory terms can continue in those positions until the end of the term, unless they resign for personal reasons or are removed for cause. The issue is discussed in such cases as *Myers v. U.S.,* 272 U.S. 52 (1926); *Humphrey's Executor v. U.S.,* 295 U.S. 602 (1935); *Wiener v. U.S.,* 357 U.S. 349 (1958); and *Buckley v. Valeo,* 424 U.S. 1 (1976). Because these matters implicate complex legal issues, agencies should consult their own General Counsel for assistance in this area.

The Vacancies Act was substantially amended in 1998 by the Federal Vacancies Reform Act of 1998 (the "FVRA" or "Act"). *[Public Law 105-277, section 151]*. The FVRA, codified at 5 U.S.C. 3345-3349d, prescribes requirements for temporarily filling vacancies that are required to be filled by Presidential appointment with Senate confirmation (PAS appointments).

Presidential Appointments

The FVRA, as amended, provides rules for temporarily filling vacant PAS positions. In most cases, the Act is the exclusive means for filling vacant PAS positions with a person designated as the "Acting" officer. The Act, however, also recognizes other limited means to fill PAS positions, such as recess appointments and provisions in other specific statutory authorities applicable to particular agencies. The FVRA specifically provides that an agency head's general authority to delegate or reassign duties within the agency does not remain a viable, separate authority for filling a vacant PAS position on a temporary basis.

An office becomes "vacant" when the incumbent "dies, resigns, or is otherwise unable to perform the functions and duties of the office." The FVRA does not specify the full range of circumstances that would constitute such inability, but legislative history indicates it would include the incumbent being fired, imprisoned, or suffering a serious illness. The Act also specifies that the expiration of a term of office constitutes an inability to perform the functions and duties of the office.

Under the FVRA, there are generally three categories of persons who can serve in an acting capacity for vacant PAS positions:

- The "first assistant" to the vacant position. The Act does not define this term, but legislative history indicates that it generally refers to the top deputy to the position.
- An existing PAS (from the agency at issue or from any other agency) designated by the President (and only the President).
- Certain senior agency employees designated by the President (and only the President).

Specific timeframes and other statutory considerations limit service for all three categories. There is a general limit of 210 days for serving in an acting PAS capacity. [5 U.S.C. 3346] With respect to any vacancy that exists during the 60-day period beginning with a Presidential inauguration, the 210 days begin on the later of 90 days after the inauguration or 90 days after the date of the vacancy. Different rules apply if the President nominates a person to fill the PAS position on a permanent basis during the period that the position is held by another person on an acting basis.

The Office of Legal Counsel at the Department of Justice has extensive guidance on FVRA, which can be found on justice.gov or by calling (202) 514-2051.

The Assistant to the President for Presidential Personnel coordinates all activities relating to Presidential appointments.

Effective Date of PAS Appointments

Presidential appointments subject to Senate confirmation (PAS) are effective on the date the President signs the commission document. However, the individual's pay does not begin until the appointee is sworn in and signs the oath of office.

For individuals serving under a term PAS, the term begins on the effective date of the appointment, i.e., the day the President signs the commission document.

[OPM Contact: Angela Champion, 202-936-0631]

Pay and Leave

Individuals appointed by the President, with Senate confirmation, occupy positions that are placed by law in the Executive Schedule, or are established at pay rates equivalent to the Executive Schedule. This schedule has five levels; Level I is the highest, and Level V is the lowest. In 2024, annual pay rates for the Executive Schedule are: Level I ($246,400), Level II ($221,900), Level III ($204,000), Level IV ($191,900), and Level V ($180,000). Locality pay does not apply to the Executive Schedule.

[Note: There is a pay freeze for certain senior political officials that affects their pay rates. See section IV (Compensation) for more information about this pay freeze.]

Individuals in the executive branch who are appointed by the President to positions in the Executive Schedule are not covered by the leave system. They do not earn annual or sick leave and, therefore, are not charged leave for absences from work.

Senior Executive Service (SES) Appointments

[OPM Contact: Angela Champion, 202-936-0631]

This subsection provides an overview of career and noncareer SES positions and key transition issues, such as suspending the processing of SES selections during a change of agency head and a 120-day moratorium on involuntary SES reassignments during that period.

Overview

The SES is a unique executive personnel system that includes most of the top managerial, supervisory, and policy positions in the executive branch that are not required to be filled by Presidential appointment with Senate confirmation.

SES Positions

Every 2 years, OPM allocates to each agency a specific number of SES "spaces" based on agency needs. Within that numerical allocation, each agency may establish SES positions and designate them as either "General" or "Career Reserved." OPM also assigns each agency a "Career Reserved floor," which is the minimum number of Career Reserved positions that must be established within the agency at all times. Once an SES position has been designated as General or Career Reserved, an agency must obtain OPM approval to change that designation. *[See 5 CFR part 214.]* General positions may be filled by career, noncareer, or limited appointees. Career Reserved positions must be filled by career appointees to sustain public confidence in the impartiality of the Government. OPM may make temporary SES allocations available to individual agencies to help with transitions.

SES Noncareer Appointments

Agencies may make SES noncareer appointments to any SES General position without regard to competitive requirements and may also set the pay level of the appointees. However, an agency must receive a noncareer appointment authority from OPM before making the appointment. The White House Office of Presidential Personnel also must grant clearance for the appointment before the appointment takes effect, except that an appointment to any SES position within an independent regulatory commission is not subject to review or approval by any officer or entity within the Executive Office of the President. *[See 5 U.S.C. 3392(d).]* The law limits the total number of SES positions that can be filled by noncareer appointment to 10 percent of the Governmentwide SES space allocation and 25 percent of an individual agency's allocation (unless the allocation is three or less). Additional limitations have been imposed, administratively or by other statutes, on an agency-by-agency basis.

Noncareer appointments can be terminated at any time with a 1-day notice. Noncareer appointees removed from the Federal service have no right of appeal to the Merit Systems Protection Board (MSPB). *[See 5 U.S.C. 3592; 5 CFR part 359, subpart I.]* A sample separation notice is provided in Appendix C.

SES Limited Appointments

There are two types of SES limited appointments: limited term and limited emergency. *Limited term appointments* may be made for up to 36 months to positions with duties that will expire within 36 months or an earlier specified time period. *Limited term appointments* are not used to temporarily promote individuals to continuing SES positions. Limited emergency appointments may be made for up to 18 months to meet a bona-fide, unanticipated, urgent need. Limited appointments may be made only to SES General positions. An individual may not serve more than 36 months in a 48-month period on any combination of limited appointments. Limited appointees must meet the qualification requirements established by the agency.

Agencies must obtain limited appointment authorities from OPM on a case-by-case basis. However, OPM has provided each agency a pool of limited authorities equal to 3 percent of its total SES position allocation, or one authority, whichever is greater. An agency may use this pool to appoint a career or career-type non-SES employee to a position that is appropriate for SES limited term or SES limited emergency appointment without obtaining OPM approval; however, the agency must notify OPM of the appointment by entering the incumbency information into OPM's Executive and Schedule C System. In addition, to help with transitions, OPM may authorize a limited term appointment authority for an individual who has been nominated by the President, but whose appointment is pending Senate confirmation. These limited appointments may not be made to the position for which the individual has been nominated.

Limited appointments may be terminated at any time with a 1-day notice. Limited SES appointees who are removed have no right of appeal to MSPB on termination of the appointment. *[See 5 U.S.C. 3592 and 5 CFR part 359, subpart I.]* However, some limited appointees have placement rights to positions outside the SES. A career or career-type non-SES employee who is given a limited appointment in the same agency has placement rights to his or her former position or to one with like status, tenure, and grade or pay. *[5 CFR part 317, subpart F.]* If such an individual was covered by 5 U.S.C. 7511 immediately before the SES limited appointment, then they are also entitled to adverse action procedures applicable to career SES appointees in the event a removal is proposed based upon conduct or other bases set forth in 5 CFR 752.603. *[5 CFR part 752, subpart F.]* A career or career-type employee who accepts a limited appointment in another agency has neither of these benefits.

SES Career Appointments

Career appointments may be made to either SES General or Career Reserved positions. Career appointments have no time limitation and provide certain job protections and benefits not conferred by noncareer and limited appointments. Initial career appointments must meet competitive SES merit staffing provisions at the time of selection for the SES. Following selection by the agency, the individual's executive qualifications must be approved by an OPM-administered Qualifications Review Board (QRB) before the career appointment can be made.

Transition Issues: SES

Suspension of Processing of SES Candidates

In accordance with 5 CFR 317.502(d), OPM will suspend processing of an agency's SES Qualifications Review Board (QRB) cases when the agency's head departs or announces his or her departure. This is done to provide the incoming head of that agency with a full opportunity to exercise his or her prerogative to make or approve executive resource decisions that will affect the agency's performance during his or her tenure. To that end, OPM will impose a moratorium on the processing of a particular agency's SES QRB cases when the head of that agency departs for any reason, effective immediately upon the effective date of his or her departure. A QRB moratorium will also be imposed when the head of an agency announces his or her intention to leave that office, effective immediately upon that announcement.

While a QRB moratorium is intended to preserve the prerogatives of an incoming agency head, this must be balanced against the need for continuity of agency operations during such transitions. Accordingly, OPM will consider requests for exceptions to an agency's QRB moratorium on a case-by-case basis. Requests for exceptions should be signed by the agency head or the official who is designated to act in the agency head's absence and must specifically address the potential for adverse impact on national security, homeland security, or critical agency mission, program, or function if a particular SES candidate is not immediately considered for certification.

Moratorium on SES Career Reassignments

Agencies may reassign SES career appointees to any SES position in the agency for which they are qualified, following a 15-day advance written notice for a reassignment that does not require a geographical move. Consultation with the executive, followed by 60 days' advance written notice, is required for a reassignment that includes a geographical move.

However, when there are changes in agency political leadership, the law provides for a 120-day moratorium on involuntary reassignments of career SES appointees. Career executives are always prepared to serve new leadership. Balancing continuity and change is a fundamental responsibility of the senior executive. The moratorium was established to prevent peremptory reassignments by new appointees without adequate knowledge of the career executives. An SES career appointee may not be involuntarily reassigned within 120 days of the appointment of a new agency head (including recess appointment) or within 120 days after the appointment of a career appointee's new noncareer supervisor who has the authority to make that career appointee's initial performance appraisal. A voluntary reassignment during the 120-day period is permitted, but the appointee must agree in writing before the reassignment.

The appointment of a new agency head always starts a 120-day moratorium. Another official may not take a reassignment action, even if that official has been in office more than 120 days. If a moratorium results from appointment of a new noncareer supervisor, the agency head may not take an involuntary reassignment action, even if the agency head has been in office more than 120 days.

Designating an "acting" agency head or noncareer supervisor (e.g., by a detail or when a deputy acts in the position) is **not** the same as making an appointment. Therefore, the statutory moratorium does not come into play. However, the agency, at its discretion, may choose to apply the moratorium in such situations. In this case, if the "acting" individual later receives a permanent appointment to the position without a break in service, time spent under the agency-imposed moratorium counts toward the 120-day moratorium initiated by the permanent appointment.

In calculating the 120-day moratorium, any days (not to exceed a total of 60) during which the career appointee is serving on a detail or other temporary assignment apart from the appointee's regular position are not counted. However, the moratorium provision does not restrict the total length of a detail; i.e., it may exceed 60 days. *[See 5 U.S.C. 3395; 5 CFR part 317, subpart I.]*

Career Appointees Who Accept Presidential Appointments

Presidential appointees are among the executives subject to change in a new administration. However, a former SES career appointee who was appointed by the President to a civil service position outside the SES without a break in service, and who leaves the Presidential appointment for reasons other than misconduct, neglect of duty, or malfeasance, is entitled by law to be reinstated to the SES. This does not apply to former SES career appointees who voluntarily moved to a noncareer SES position appointed by someone other than the President (e.g., agency head). If not voluntarily reinstated through direct negotiations with an agency, the former career appointee may apply to OPM up to 90 days after separation for a directed reinstatement. *[See 5 U.S.C. 3593(b) and 5 CFR 317.703.]*

Briefings for New SES Members

OPM's Center for Leadership Development offers a day-long orientation session for new career SES members twice each year. These sessions provide executives with an understanding of the administration's goals and priorities and an opportunity to gain a broader perspective of executive branch domestic, economic, and foreign policy issues and initiatives. SES members also gain information about the SES, advice about working with Congress, knowledge of effective leadership strategies, and opportunities for networking.

Excepted Service Appointments

[OPM Contact: Katika Floyd, 202-606-9531]

The "excepted service" includes all positions in the executive branch that have been excepted from the competitive service or the Senior Executive Service (SES) by statute, the President, or OPM. *[5 U.S.C. 2103]*

Schedule C Positions and Appointments

Schedule C positions are excepted from the competitive service because they have policy-determining responsibilities or require the incumbent to serve in a close and confidential working relationship with the head of an agency or other key appointed official. *[5 CFR 213.3301]* Appointments to Schedule C positions require advance approval from the White House Office of Presidential Personnel and OPM. OPM does not review the qualifications of a Schedule C appointee; final authority on this matter rests with the appointing official.

Agencies may separate Schedule C appointees whenever the confidential or policy-determining relationship between the incumbent and his or her superior ends. Schedule C appointees are not covered by statutory removal procedures and generally have no rights to appeal removal actions to the Merit Systems Protection Board. This is true regardless of veterans' preference or length of service in the position. Agencies should consult their General Counsel or OPM's General Counsel on Schedule C separations. Appendix C contains a sample separation notice.

Establishing Regular Schedule C Positions

OPM authorizes the establishment of each Schedule C position and revokes the exception from the competitive service when the position is vacated. *[5 CFR 213.3301]* The agency head must certify that the position was not created solely or primarily for the purpose of detailing the incumbent to the White House. A list of Schedule C positions is published annually in the Federal Register, under part 213 of OPM's regulations. The President can also authorize individual exemptions by Executive order, such as those listed at 5 CFR 6.8.

Temporary Transitional Schedule C Positions

To help with transitions, OPM has delegated authority to agencies to establish a limited number of temporary transitional Schedule C positions. *[5 CFR 213.3302]* Agencies can use this delegated authority during the 1-year period immediately following a change in presidential administration, when a new department or agency head has entered on duty, or when a new agency is created.

Agencies can make appointments under this authority for up to 120 days and may extend the appointment once for up to 120 more days. The agency must notify OPM within 5 working days that it has made an appointment to a temporary transitional Schedule C position. Agencies must also notify OPM within 3 working days when the position has been vacated. In addition, the agency head or his or her designee must certify that the position was not created solely or primarily for the purpose of detailing the incumbent to the White House and must identify the position and incumbent.

When an agency plans to convert an employee in a temporary transitional Schedule C position to a non-temporary ("regular") Schedule C appointment, the temporary appointment may be designated as a "provisional appointment." *[5 CFR 316.403]* This permits the agency to treat the employee as a non-temporary appointee for benefits purposes. Provisional appointments must be made under an authority established by law, Executive order, or regulation, or granted by OPM. [*5 CFR 316.403(b)]*. Documentation instructions are in OPM's Guide to Processing Personnel Actions, Chapter 11, Excepted Service Appointments, available on OPM's website.

Briefings for New Schedule C Appointees

Historically, OPM, in conjunction with White House Presidential Personnel Office, has sponsored 1-day briefings for new Schedule C and noncareer SES appointees. These briefings provide appointees with an understanding of the President's expectations, a broader perspective on executive branch initiatives and priorities, and information on Government ethics, the Hatch Act, and current domestic, economic, and foreign policy issues and initiatives.

Positions Excepted by Statute

Positions that have been excepted by statute include those in the Foreign Service (Department of State); the Federal Bureau of Investigation (Department of Justice); all positions in the Tennessee Valley Authority, the Government Accountability Office, and the U.S. Postal Service; medical employees of the Veterans Health Administration (Department of Veterans Affairs); and positions in the Cybersecurity Talent Management System (Department of Homeland Security). Most of these agency positions are under separate merit systems and are not subject to change during transitions.

Overview: Schedules A, B, D, and E

In addition to the policy-determining or confidential positions described in the preceding section, Congress, the President, or OPM can except other positions from the competitive service and the Senior Executive Service. OPM excepts positions under Schedules A, B, D, and E for a variety of reasons. Employees in these positions are not subject to change during transitions.

Positions Excepted by the President or the Office of Personnel Management

In certain circumstances, the President or OPM may except positions from the competitive service. These exceptions are Schedule A, B, D, and E positions.

- **Schedule A Positions:** Positions other than those of a confidential or policy-determining character for which it is not practicable to examine. Examples include attorneys, individuals with certain disabilities, and short-term positions filled during an emergency. *[5 CFR 213.3101-213.3102]*

- **Schedule B Positions:** Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination. These appointments shall be subject to noncompetitive examination as may be prescribed by OPM and are subject to the basic qualification standards established by OPM for the occupation and grade level. For example, developmental positions associated with the SES candidate development program are included under Schedule B. *[5 CFR 213.3201]*

- **Schedule D Positions:** Positions other than those of a confidential or policy-determining character for which the competitive service requirements make impracticable the adequate recruitment of sufficient numbers of individuals attending qualifying career or technical education programs, including national service participants or individuals who have recently completed qualifying career or technical education programs. Schedule D (Pathways Programs) consists of three programs: the Internship Program, the Recent Graduates Program, and the Presidential Management Fellows Program. *[Executive Order 13562; 5 CFR 213.3401]*

- **Schedule E Positions:** Positions of Administrative Law Judges (ALJ). ALJs are currently employed in 28 Federal agencies to adjudicate disputes involving various agency administrative and regulatory programs. ALJs are responsible for presiding over agency hearings, taking evidence, and acting as a fact finder in proceedings as well as acting as a decision maker by making an initial determination about the resolution of a dispute. All appointments of ALJs on or after July 10, 2018, are made into the excepted service under this schedule. *[Executive Order 13843]*

Schedule A, B, and D appointees who are eligible for veterans' preference and who have 1 year of qualifying service are entitled to statutory procedural and appellate rights if they are removed from the Federal service for conduct or performance reasons. In addition, excepted service employees other than preference eligibles receive statutory procedural and appellate rights, provided they have completed a probationary or trial period under an initial appointment pending conversion to the competitive service or have completed 2 years of qualifying service.

Expert and Consultant Appointments

[OPM Contact: Michelle Glynn, 202-606-1571]

Agencies may appoint experts and consultants to positions that primarily require performance of advisory services, rather than performance of operating functions, without regard to competitive civil service requirements. *[5 U.S.C. 3109]* Agencies may use expert and consultant appointments for individuals who have been nominated by the President, but not yet confirmed. In addition, agencies may use this authority to appoint individuals whose permanent excepted appointment is pending. *[5 CFR 304.103(b)(6)]* The individual and the work assigned must comply with the expert or consultant requirements in 5 CFR part 304.

Agencies may not use expert and consultant appointments to avoid employment procedures or solely in anticipation of a competitive appointment. An expert and consultant appointment authority may not be used to fill a position in the Senior Executive Service. *[5 U.S.C. 3109]* However, if a position meets the criteria for placement in the SES, OPM may authorize a limited appointment authority to appoint an individual during the transition period.

Experts and consultants appointed under 5 U.S.C. 3109 may not be paid more than the daily or biweekly rate for GS-15, step 10, excluding locality pay or any other additional pay, unless a higher rate is specifically authorized by statute. *[5 CFR 304.105.]* They may also be reimbursed for travel (if they are intermittent employees), but not for moving expenses. They may participate in orientation and training programs at Government expense.

IV. Compensation

[OPM Contacts: Carey Jones (pay), Jennifer Melvin (leave), 202-606-2858, unless otherwise stated]

This section provides information on basic salary levels, locality pay, aggregate pay limits, pay flexibilities available to address staffing difficulties, pay for reemployed annuitants, leave, and pay on separation from the Government.

[Note: The pay and leave provisions reviewed in this section are those authorized under title 5, United States Code, which apply to most Federal employees. However, Federal employees in certain agencies are not covered by title 5 pay and leave provisions. Such agencies are responsible for informing affected employees regarding their pay and leave benefits.]

Pay Rates and Limits

Pay Freeze for Senior Political Appointees

The Further Consolidated Appropriations Act, 2024, contains a provision that continues the freeze on the payable pay rates for the Vice President and certain senior political appointees during calendar year 2024. (See section 747 of Title VII of Division B of the Act.) See OPM guidance memorandum CPM 2024-09 on the CHCO website. The official statutory rates of pay for the Vice President and Executive Schedule positions are not affected by the freeze. Those official rates are used in determining the rate ranges and aggregate pay limitations for employees and pay systems unaffected by the pay freeze. Future Congressional action will determine whether the pay freeze continues beyond 2024.

The President's August 3, 2010, memorandum freezing discretionary awards, bonuses, and similar payments for political appointees continues in effect until further notice. Agencies should continue to apply this freeze until further notice in accordance with OPM's guidance.

Basic Salary Levels

- **Executive Schedule:** Sections 5311 through 5318 of title 5, United States Code, prescribe the salaries of most positions filled by Presidential appointees at levels I through V of the Executive Schedule. In 2024, Executive Schedule salaries range from $180,000 (level V) to $246,400 (level I). Executive Schedule officials do not receive locality pay, and their pay rate is subject to the pay freeze for certain senior political officials. Section 2 of the Presidential Appointment Efficiency and Streamlining Act of 2011 (Public Law 112-166, August 10, 2012) removed the Senate confirmation requirement for certain Presidential appointment positions in a number of agencies. Section 2(hh) provided that removal of the Senate confirmation requirement under section 2 would not (1) result in any such position being placed in the Senior Executive Service or (2) alter compensation for any such position under the Executive Schedule or other applicable compensation provisions of law.

- **Senior Executive Service:** Agency heads may set the salaries of members of the Senior Executive Service (SES) at a rate within a range fixed by statute. The maximum SES rate is the rate for level II or III of the Executive Schedule, with the higher level II maximum applicable only to SES positions covered by a certified SES performance appraisal system. In 2024, SES basic salaries may range from a minimum rate of $147,649 to a maximum rate of $204,000 (or $221,900 for SES positions covered by a certified SES performance appraisal system). SES members do not receive locality pay. Certain noncareer SES members may be subject to the pay freeze for certain political officials. Generally, an SES member may receive a pay adjustment only once during any 12-month period.

  [OPM Contact: Danielle Opalka, 202-606-2076]

- **Senior-Level Positions:** The senior-level pay system *[5 U.S.C. 5376*] applies to both senior-level (SL) positions established under 5 U.S.C. 5108 and scientific and professional (ST) positions established under 5 U.S.C. 3104. These include high-level positions without executive responsibilities, as well as positions that the law or the President excludes from the SES. Agency heads may set the pay of an SL or ST employee at any rate within a range fixed by statute. In 2024, basic salaries may range from a minimum rate of $147,649 to a maximum rate of $204,000 (or $221,900 for SL or ST positions covered by a certified performance appraisal system). SL and ST employees do not receive locality pay.

  [OPM Contact: Danielle Opalka, 202-606-2076]

- **General Schedule:** The General Schedule (GS) pay system has 15 grade levels, with 10 salary steps at each grade. The maximum rate of basic pay in 2024 is $159,950 (GS-15, step 10), excluding locality pay. In 2024, additional locality payments for employees in the United States and its territories and possessions range from 16.82 percent to 45.41 percent. No locality-adjusted rate may exceed the rate for level IV of the Executive Schedule — $191,900 in 2024. A new GS employee generally enters at the first step of the appropriate grade. Most Schedule C employees are under the GS pay system.
- **Special Pay Authorities:** Around 22 percent of the Federal Government's 1.9 million white collar workers are not paid under the General Schedule but are paid under other statutory authorities. For example, the Administrator of the Federal Aviation Administration (FAA) may set pay for FAA employees. The President may set the pay of certain White House employees.

Locality Pay

Most white-collar Federal employees — including GS employees, but excluding most SES members, most SL and ST employees, and all Executive Schedule officials — are eligible for supplemental locality-based payments in addition to the rate of basic pay. These payments apply only in the United States and its territories and possessions. In 2024, the locality payments range from 16.82 to 45.41 percent. The maximum locality-adjusted rate of pay for GS employees is the rate for Executive Schedule level IV ($191,900 in 2024). (Note: Under a separate legal authority, some employees working overseas may have their salary supplemented by an amount that is based on a GS locality rate.)

Aggregate and Premium Pay Limitations

Most Federal employees are subject to an annual aggregate pay limitation under 5 U.S.C. 5307 that restricts the total amount of pay an employee may receive in any calendar year. Pay in excess of the limitation is payable at the beginning of the next calendar year and counts toward the next year's limit. For SES members and SL and ST employees covered by certified performance appraisal systems, the aggregate pay limit is the annual rate of pay for the Vice President ($284,600 in 2024). For all others, the aggregate pay limit is the annual rate of pay for level I of the Executive Schedule ($246,400 in 2024). *[5 CFR part 530, subpart B]*

In addition, General Schedule (GS) employees and other covered employees may receive certain types of premium pay under title 5 (including overtime pay for employees exempt from the Fair Labor Standards Act, Sunday pay, night pay, and holiday pay) for a biweekly pay period only to the extent that the sum of basic pay and premium pay for the pay period does not exceed the greater of the biweekly rate payable for (1) GS-15, step 10 (including any applicable locality payment or special rate supplement), or (2) the rate payable for level V of the Executive Schedule. *[See 5 U.S.C. 5547(a) and 5 CFR 550.105.]* In certain emergency or mission-critical situations, an agency may apply an annual premium pay cap instead of a biweekly premium pay cap, subject to the conditions provided in law and regulation. *[5 U.S.C. 5547(b) and 5 CFR 550.106 and 550.107.]* For basic guidance on overtime pay and compensatory time off for Schedule C employees, see [OPM Memo Overtime Pay and Compensatory Time Off for Schedule C Employees].

Pay Flexibilities

Agencies may use a number of discretionary pay flexibilities to deal with well-documented staffing difficulties. Specific statutory and regulatory conditions govern the use of each of these flexibilities, including agency justification and documentation requirements. Agencies should exercise these flexibilities judiciously, especially when hiring other than career employees. These payments are subject to public scrutiny and third-party review. They should be used only when necessary to address documented staffing problems. Given the current fiscal environment, agencies should monitor the use of any compensation flexibilities so that they are also used in accordance with budgetary limitations.

Advance Payments

An agency may provide for the advance payment of basic pay (including any locality payment) covering not more than two pay periods to any individual who is newly appointed to a position, except as an agency head. *[5 CFR part 550, subpart B]*

Above Minimum Hiring Rates – General Schedule

Agencies may set the pay of an individual newly appointed to a General Schedule position at a step above the first step of their grade based on the employee's superior qualifications or a special need of the agency for the employee's services. An agency may use this flexibility at any appropriate GS grade. The agency may set pay at the higher step only upon initial appointment or upon reappointment after a 90-day break in service. An agency may not set pay based on a job candidate's non-Federal salary history or based on the salary in a competing job offer. *[5 CFR 531.212]*

Pre-Employment Interviews — Payment of Travel and Transportation Expenses

Agencies may pay travel and transportation expenses for travel to and from pre-employment interviews to any individual they consider for employment. Travel expenses to attend confirmation hearings are considered part of the pre-employment interview process. Agencies may also pay the travel expenses of a new appointee from his or her place of residence at the time of selection or assignment to the duty station. *[5 CFR part 572]*

Recruitment and Relocation Incentives

Agencies have the authority to pay recruitment and relocation incentives. An agency may not pay a recruitment or relocation incentive to an employee in a position —

- to which the individual was appointed by the President;
- in the Senior Executive Service (SES) as a noncareer appointee;
- which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character (Schedule C);
- designated as the head of an agency, including an agency headed by a collegial body composed of two or more individual members;
- in which the employee is expected to receive an appointment as the head of an agency; or
- in the SES as a limited term appointee or limited emergency appointee when the appointment must be cleared through the White House Office of Presidential Personnel.

An agency may pay a recruitment incentive to an employee newly hired in the Federal Government or a relocation incentive to an employee who must relocate to fill a position that would otherwise be difficult to fill. In return, the employee must sign an agreement to complete a period of service with the agency (6-month minimum for recruitment incentives). The total amount of recruitment or relocation incentive payments may not exceed 25 percent of the annual rate of basic pay of the employee at the beginning of the service period, multiplied by the number of years in the service period. With OPM approval, this cap may be raised to 50 percent (based on a critical agency need), as long as the total incentive does not exceed 100 percent of the employee's annual rate of basic pay at the beginning of the service period.

An agency may pay a recruitment or relocation incentive as an initial lump-sum payment at the beginning of the service period, in equal or variable installment payments throughout the service period, as a final lump-sum payment upon completion of the service period, or in a combination of these methods. Agencies may pay recruitment and relocation incentives to eligible employees under the General Schedule, Senior Executive Service, senior-level pay system, and certain other pay systems. Recruitment and relocation incentives are subject to the aggregate limitation on total pay that an employee may receive in a calendar year. *[5 CFR part 575, subparts A and B]* (See "Aggregate and Premium Pay Limitations" section above).

Retention Incentives

Agencies may also pay retention incentives, but the same categories of employees who are excluded from receiving recruitment and relocation incentives are also barred from receiving retention incentives. An agency may pay an incentive to a current employee if —

- The agency determines that the unusually high or unique qualifications of the employee or a special agency need for the employee's services makes it essential to retain the employee if he or she would be likely to leave the Federal Government (for any reason, including retirement) in the absence of a retention incentive; or
- The agency has a special need for the employee's services that makes it essential to retain the employee in his or her current position during a period of time before the closure or relocation of the employee's office, facility, activity, or organization and the employee would be likely to leave for a different position in the Federal service in the absence of a retention incentive.

An agency must establish a single retention incentive rate for each individual or group of employees, expressed as a percentage of each employee's rate of basic pay, not to exceed 25 percent (for an individual employee) or 10 percent (for a group or category of employees). With OPM approval, this cap may be increased to as much as 50 percent. An agency may pay a retention incentive in installments after the completion of specified periods of service or in a single lump sum after completion of the full period of service required by the service agreement. Agencies may pay retention incentives to eligible employees under the General Schedule, Senior Executive Service, senior-level pay system, and certain other pay systems. Retention incentives are also subject to the aggregate limitation on total pay that an employee may receive in a calendar year. *[5 CFR part 575, subpart C]* (See "Aggregate and Premium Pay Limitations" section).

Special Rates

OPM may establish higher rates of basic pay for a group or category of General Schedule positions in one or more geographic areas. The special rate authority is used to address significant or likely significant difficulties in recruiting or retaining well-qualified employees. OPM may establish special rates by occupational series, specialty, grade-level, and/or geographic area. Special rate supplements are applied to the base General Schedule. No special rate may be established in excess of the rate of basic pay payable for level IV of the Executive Schedule. *[5 U.S.C. 5305 and 5 CFR part 530, subpart C]*

[OPM contact: Mark Allen, 202-606-2858]

Critical Position Pay

At an agency head's request, OPM may, in consultation with the Office of Management and Budget, grant authority to fix the rate of basic pay for one or more positions at a higher rate than would otherwise be payable for the position. The position under consideration must require an extremely high level of expertise in a scientific, technical, professional, or administrative field that is critical to the successful accomplishment of an important agency mission. Up to 800 positions may be covered Governmentwide. The authority allows for setting pay up to the rate for level II of the Executive Schedule, level I of the Executive Schedule if an agency demonstrates exceptional circumstances, or greater than the rate for level I of the Executive Schedule in rare circumstances. *[5 U.S.C. 5377 and 5 CFR part 535]*

[OPM contact: Mark Allen, 202-606-2858]

Student Loan Repayments

For most types of employees, agencies can establish a program under which they may repay certain types of Federally-made, insured or guaranteed student loans as an incentive to recruit or retain highly-qualified personnel. Under this authority, an agency may make loan payments to a loan holder of up to $10,000 for an employee in a calendar year up to an aggregate maximum of $60,000 for any one employee. In return, the employee must sign a service agreement to remain in the service of the paying agency for a period of at least 3 years. If the employee separates voluntarily or is separated involuntarily for cause or poor performance before fulfilling the service agreement, he or she must reimburse the paying agency for all student loan repayment benefits received. An agency may not provide student loan repayment benefits to an employee occupying a position excepted from the competitive service because of its confidential, policy-determining, policymaking, or policy-advocating character (e.g., Schedule C appointees). *[5 CFR part 537]*

[OPM contact: Jennifer Melvin, 202-606-2858]

Reemployed Annuitants

[OPM Contact: Michelle Glynn, 202-606-0960]

In most cases, when Federal retirees (covered by the Civil Service Retirement System or the Federal Employees' Retirement System) are reemployed in the Federal service, they continue to receive their annuities and their salaries are offset by the amount of their annuities. *[5 U.S.C. 8344 and 8468]* The offset also applies when retirees are appointed as experts or consultants. An agency may request that OPM waive the offset requirement in limited circumstances set out in statute and OPM regulations. *[5 CFR part 553]* In addition, section 1107 of the National Defense Authorization Act (NDAA) for Fiscal Year 2015, as amended, provides the authority for the head of an agency to grant salary offset or "dual compensation" waivers on a temporary basis, and under specified circumstances, without OPM approval, through December 31, 2024.

Federal retirees who return to work under an appointment with the Department of Defense continue to receive their annuities and receive their full salaries without offset. (Under certain circumstances, though, retirees returning to work for the Department of Defense may elect to have their salaries offset by the amount of their annuities to obtain higher retirement benefits after their reemployment ends.)

The CSRS annuity of reemployed CSRS retirees who receive a Presidential appointment are terminated at reemployment. Payment of the CSRS annuity is suspended for reemployed Members of Congress.

Employees should consult with the Human Resources Office in their employing agency for further information.

Leave

In general, officers and employees who are appointed by the President (PAS and PA) are not covered by the Federal leave system established by 5 U.S.C. chapter 63 if their rate of basic pay equals or exceeds the rate for level V of the Executive Schedule. *[5 CFR 630.211(a)(3)]* These Presidential appointees do not earn annual and sick leave and cannot be charged leave for absences from work. However, members of the SES and employees in senior-level (SL) and scientific and professional (ST) positions are covered by the Federal leave system even if they were appointed by the President. Career SES members who accept a Presidential appointment without a break in service to a position outside the SES at a rate of basic pay equal to or higher than level V of the Executive Schedule can elect to retain their SES leave benefits and continue to earn leave while serving in the Presidential appointment. *[5 U.S.C. 3392(c)(1)]*   Under 5 U.S.C. 6301(2)(xi) and 5 CFR 630.211, an agency head may exclude a Presidential appointee from coverage under the leave system under certain conditions.

Annual Leave

Generally, employees earn 13, 20, or 26 days of annual leave per year, depending on years of service. For employees with regular full-time work schedules, that means they incrementally accrue 4, 6, or 8 hours of annual leave each biweekly every pay period (with an extra accrual of 4 hours in the last pay period of the year for employee in the 6-hour accrual category). However, SES members, SL and ST employees, and certain employees in positions deemed by OPM to be equivalent to SES or SL/ST positions who have regular full-time work schedules accrue 8 hours of annual leave each biweekly pay period, regardless of years of service.   SES members, as well as SL/ST employees and employees in positions designated under 10 U.S.C. 1607(a) as Intelligence Senior Level positions, may carry over up to 90 days of annual leave to the next leave year; most other employees may carry over up to 30 days of annual leave. A supervisor may grant advanced annual leave at his or her discretion, consistent with the agency's leave policy. The amount of annual leave that may be advanced may not exceed the amount of annual leave the employee will accrue in the remainder of the leave year. *[5 U.S.C. 6302-6304 and 5 CFR part 630, subparts B and C]*

Note: Under certain conditions, an agency may give a newly-appointed employee, or an employee who is reappointed following a break in service of at least 90 calendar days, credit for qualifying non-Federal service or experience in the uniformed service in determining the employee's rate of annual leave accrual. The head of the agency, or his or her designee, must determine that the individual's skills and experience are essential to the new position and were acquired through performance in a non-Federal or uniformed service position having duties directly related to the position to which he or she is being appointed and that the use of this authority is necessary to achieve an important agency mission or performance goal. The determination must be made prior to the employee's entry on duty. *[5 U.S.C. 6303(e) and 5 CFR 630.205]*

Sick Leave

Employees earn 13 days of sick leave each year (which accumulates without limit in succeeding years). For regular full-time employees, sick leave accrues incrementally at a rate of 4 hours each biweekly pay period. Sick leave is a paid absence from duty that an employee is entitled to use for personal medical needs, general family care purposes, care of a family member with a serious health condition, adoption-related purposes, bereavement, and for the care of a covered service member with a serious injury or illness provided the employee invokes his or her entitlement to leave under the Family and Medical Leave Act (FMLA).

There is no limitation on the amount of sick leave an employee can use for his or her own personal medical needs or for adoption-related purposes. An employee may use up to 12 weeks (480 hours) of sick leave each leave year to care for a family member with a serious health condition, which includes 13 days (104 hours) of sick leave for general family care or bereavement purposes. An employee is entitled to no more than a combined total of 12 weeks of sick leave each leave year for all family care purposes. Sick leave may be advanced at the discretion of the agency and consistent with agency policy. An agency may advance up to 30 days (240 hours) of sick leave to an employee for purposes that include the employee's or family member's serious health condition, for adoption-related purposes, and for the care of a covered service member with a serious injury or illness, provided the employee invokes his or her entitlement to

FMLA leave. An agency may advance up to 13 days (104 hours) of sick leave to an employee for the employee's or family member's general medical needs or certain other purposes, including bereavement. [*5 U.S.C. 6307 and 5 CFR part 630, subparts B and D]*

Family and Medical Leave

Under the Family and Medical Leave Act of 1993 (FMLA), an employee is entitled to a total of 12 workweeks of unpaid leave during any 12-month period for:

1. the birth of a child and care of the newborn;
2. the placement of a child with the employee for adoption or foster care;
3. the care of an employee's spouse, son or daughter, or parent with a serious health condition;
4. an employee's own serious health condition that makes him or her unable to perform the duties of his or her position; and
5. any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

Employees who are family members of a service member with a serious injury or illness that he or she incurred in the line of duty while on active duty in the Armed Forces, and who are providing care for that service member, are entitled to up to 26 weeks of FMLA leave (military family leave) during a single 12-month period to care for the service member. During the single 12-month period, the employee is entitled to a combined total of 26 weeks of regular FMLA leave and military family leave. An employee may substitute annual leave, sick leave, advanced annual or sick leave, or donated annual leave under the leave sharing programs, consistent with current laws and OPM regulations for using such leave, for unpaid leave under the FMLA. Employees must have 12 months of qualifying Federal civilian or military service (which need not be continuous or recent months) to qualify to take FMLA leave. *[5 U.S.C. chapter 63, subchapter V, and 5 CFR part 630, subpart L]*

Paid Parental Leave

An employee with a qualifying birth or placement (for adoption or foster care) event is entitled to up to 12 administrative workweeks of paid parental leave (PPL), which may be substituted for unpaid leave taken under FMLA. PPL may only be used during the 12-month period following the birth or placement involved, after which any unused PPL will be forfeited. An employee may not receive a lump-sum payment for any unused or forfeited PPL under any circumstance, and the leave may not be saved for use for a future birth or placement.

Agencies may require their employees to provide appropriate documentation showing that the employee's use of PPL is directly connected to a birth or placement that has occurred and are responsible for determining what documentation is sufficient proof of entitlement. Before an employee may receive and use PPL, the employee must agree in writing to work at least 12 weeks for the employing agency that employs the employee as of the date the use of PPL concludes. Failure to complete the 12-week work obligation may result in an employee being required to make a reimbursement to the agency (or agencies) that employed the employee during use of paid parental leave. The determination to impose the reimbursement is at the agency's sole and exclusive discretion, unless a waiver is required by statute and regulation. The reimbursement is equal to the total amount of any Government contribution the agency paid to maintain the employee's health insurance coverage under the Federal Employees Health Benefits Program during the period that paid parental leave was used. *[5 U.S.C. 6382 and 5 CFR part 630, subpart Q]*

Parental Bereavement Leave

An eligible employee is entitled to 2 workweeks of paid leave for purposes of bereavement in connection with the death of the employee's qualifying child that occurs during the employee's Federal service. This parental bereavement leave must be used during the 12-month period following the child's death. A qualifying child may be the biological, adopted, or foster child; a stepchild; a legal ward; or a child for whom the employee is standing "in loco parentis." A qualifying child must be under 18 years of age or an older child of any age who was incapable of self-care because of a mental or physical disability. Employee eligibility requirements include (1) having a full-time or part-time work schedule (that is, not intermittent), (2) having a non-temporary appointment (that is, an appointment not limited to 1 year or less), and (3) having completed 12 months of qualifying Federal civilian service or military service. *[5 U.S.C. 6329d and OPM Director Memorandum to Agency Heads, April 1, 2022 (CPM 2022-08)]*

Leave Transfer and Leave Bank Programs

An employee who has a personal or family medical emergency and who has exhausted his or her own available paid leave may receive donated annual leave from other Federal employees through the voluntary leave transfer program (VLTP) or voluntary leave bank program (VLBP). All agencies must have a leave transfer program. In addition, agencies are strongly encouraged to establish a leave bank program for their employees. There is no limit on the amount of donated annual leave a leave recipient may receive from leave donors or the agency leave bank. However, any unused donated leave must be returned to the leave donors or the agency leave bank, as applicable, when the medical emergency ends. An employee may participate concurrently in both the VLTP and VLBP, if available. *[5 U.S.C. chapter 63, subchapters III and IV, and 5 CFR part 630, subparts I and J]*

Leave Transfer for Combat-related Disability

An employee who sustains a combat-related disability while serving as a member of the Armed Forces (including a reserve component) and is undergoing medical treatment for that disability may receive donated annual leave from other Federal employees through the voluntary leave transfer program without having to exhaust his or her available paid leave. A qualified leave recipient is eligible to receive donated annual leave for up to 5 years from the start of the employee’s treatment, as long as the employee continues to undergo such medical treatment. *[5 U.S.C. chapter 63, subchapter III]*

Emergency Leave Transfer Program

In the event of a major disaster or emergency as declared by the President that results in severe adverse effects for a substantial number of Federal employees, OPM, in consultation with the Office of Management and Budget (OMB), may establish an emergency leave transfer program (ELTP). Under an ELTP, employees in the executive and judicial branches, or agency leave banks, may donate annual leave to employees of the same or other agencies, or the judicial branch, who are adversely affected, or have family members who are adversely affected, by the disaster or emergency (e.g., floods, earthquakes, hurricanes, bombings). Once an ELTP is established, agencies with affected employees administer the program for their employees. *[5 U.S.C. 6391 and 5 CFR part 630, subpart K]*

Disabled Veteran Leave

An employee who is a veteran with a service-connected disability rating of 30 percent or more from the Veterans Benefits Administration of the Department of Veterans Affairs is entitled to up to 104 hours of disabled veteran leave (DVL) for the purposes of undergoing medical treatment for such disability. DVL is a one-time benefit provided to an eligible employee. The employee has a single, continuous 12-month eligibility period, beginning on the "first day of employment" (as that term is defined in the regulations) in which to use the leave or it will be forfeited. *[5 U.S.C. 6329 and 5 CFR part 630, subpart M]*

Military Leave

An employee whose appointment is not limited to less than 1 year is entitled to military leave, which is time off at full pay for certain active or inactive duty in the National Guard or a Reserve of the Armed Forces. Two types of military leave are most common. First, employees are entitled to 15 days of military leave per fiscal year for active duty, active-duty training, inactive duty training, or funeral honors duty. Up to 15 days may be carried over into the next fiscal year. Second, employees are entitled to 22 workdays of military leave per calendar year for emergency duty as ordered by the President, the Secretary of Defense, or a State Governor when the employees perform military duties in support of civil authorities in the protection of life and property, or when they perform full-time military service as a result of a call or order to active duty in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code. For the 22 days of military leave, an employee's civilian pay is reduced by the amount of military pay for the days of military leave. None of the 22 days may be carried over into the next calendar year. *[5 U.S.C. 6323]*

Court Leave

An employee is entitled to paid time off without charge to leave for service as a juror or witness in a judicial proceeding in which the Federal, State, or local government is a party. *[5 U.S.C. 6322]*

Leave for Bone-Marrow or Organ Donors

An employee is entitled to 7 days of paid leave each calendar year to serve as a bone-marrow donor and 30 days each calendar year to serve as an organ donor. *[5 U.S.C. 6327]*

More Information

Additional information about the Federal Government's leave programs, including those described above, is available on OPM's website.

Separation Payments

Certain payments may be payable to an individual who is separated from the Federal service.

Severance Pay

Severance pay is authorized for full-time and part-time employees who are involuntarily separated from Federal service and who meet other conditions of eligibility. To be eligible for severance pay, an employee must be serving under a qualifying appointment, have completed at least 12 months of continuous service, and be removed from Federal service involuntarily for reasons other than misconduct or unacceptable performance. A Presidential appointment, an excepted appointment under Schedule C, a noncareer appointment in the SES (as defined in 5 U.S.C. 3132(a)), and an equivalent appointment made for similar purposes, are not qualifying appointments; therefore, an individual serving under one of these appointments is not eligible for severance pay. *[5 U.S.C. 5595 and 5 CFR part 550, subpart G]* Career SES appointees who accept Presidential appointments may elect to retain severance pay benefits. *[5 U.S.C. 3392(c) and 5 CFR part 317, subpart H]*

Lump-Sum Payments for Unused Annual Leave

An employee who is covered by the Federal leave system and who separates from Federal service or who enters on active duty and elects to receive a lump-sum payment is entitled to a lump-sum payment for unused annual leave. The lump-sum payment generally equals the pay the employee would have received if the employee had remained in Federal service on annual leave (as provided in OPM regulations at 5 CFR 550.1205). This payment excludes (among other things) any incentives or allowances that are paid for the sole purpose of encouraging an employee to remain in Government service, such as retention incentives and physicians comparability allowances. Most Presidential appointees (PAS and PA) are excluded from coverage under the Federal leave system and therefore do not receive lump-sum annual leave payments upon separation. *[5 U.S.C. 5551 and 5552 and 5 CFR part 550, subpart L]*

A Federal employee covered by the Federal leave system who receives a Presidential appointment to a leave-exempt position does not receive a lump-sum payment for his or her unused annual leave. The unused annual leave is held in abeyance for recredit if and when the employee is subsequently reemployed in a position covered by the Federal leave system. If the individual separates from Federal service while under such a Presidential appointment, the employee will receive a lump-sum payment for unused annual leave based on the rate of pay in effect for the position the employee held immediately before the employee accepted the Presidential appointment. *[5 CFR 550.1203(e)]*

[Reminder: These lump sum payments are treated as taxable income.]

When an employee who received a lump-sum payment for annual leave is reemployed in the Federal service before the end of the annual leave period covered by the lump-sum payment, the employee must refund a portion of the lump-sum payment. The refunded portion covers the period between the date of reemployment and the expiration of the lump-sum leave period. Upon full refund, the employing agency will recredit to the employee the amount of annual leave that is equal to the days or hours of work remaining between the date of reemployment and the expiration of the lump-sum leave period. *[5 U.S.C. 6306]*

Retirement, Health and Life Insurance, and Other Benefits

[OPM Contact: Karen McManus, 202-606-0788]

New Employees

Note: Reemployed Federal annuitants' benefits may be handled differently from that of other employees. Each agency's Human Resources Office can provide the necessary information to these employees.

Health Insurance (FEHB)

Eligibility for participation in the Federal Employees Health Benefits (FEHB) Program depends on the type of Federal appointment. Generally, full-time and part-time Federal employees, as well as seasonal, temporary or intermittent Federal employees for whom the employing office expects the total hours in pay status (including overtime hours) plus qualifying leave without pay hours to be at least 130 hours per calendar month, are eligible to enroll in FEHB.

Members of Congress and certain "designated" Congressional staff are not eligible to purchase a health benefit plan for which OPM contracts and approves under the FEHB but may purchase health benefit plans on the District of Columbia Small Business Health Options Program (DC SHOP). These individuals may receive a Government contribution toward that purchase just as other Federal employees receive such a contribution toward FEHB.

Individuals with temporary appointments designated as "provisional" are eligible for FEHB coverage, since this type of appointment is used to expedite placement in a position expected to be permanent while the necessary procedures required for non-temporary appointment are proceeding, such as a pending Senate confirmation or security clearance.

- **Enrollment:** After the initial opportunity to enroll, the Program permits enrollments and changes to existing enrollments during the annual Federal Benefits Open Season conducted each year from mid-November through mid-December; in addition, certain enrollment changes are permitted throughout the year upon the occurrence of certain other qualifying life events such as a change in family status.

  Eligible new employees will receive information describing available plans from the employing agency and must make an enrollment election within 60 days of becoming eligible. Generally, to enroll, new employees complete and submit a Health Benefits Election Form (SF 2809) to their employing office's human resources department; in addition, some agencies may have electronic enrollment available.

- **Plans:** The Program offers each employee a number of Governmentwide fee-for-service that provide nationwide coverage plans (some of which require membership in an employee organization) and health maintenance organizations serving the geographic area in which the employee lives or works.

  Consumer Driven Health Plans (CDHPs) are types of health plans that give you greater control over the cost of your health care. The plan does not pay for health care until you meet a deductible that is higher than traditional health insurance, but members may access a medical fund to pay for health care and, if the fund is lower than the deductible, pay out-of-pocket for health care until the deductible is met.

  A specific type of CDHP is a High Deductible Health Plan (HDHP). HDHPs are offered in the FEHB Program, with health savings accounts (HSAs) and, for those not eligible, health reimbursement arrangements (HRAs). The primary reason an individual is not eligible for an HSA is due to other health plan coverage that is not an HSA-qualified HDHP, including healthcare flexible spending accounts (FSAs).

  An HDHP with a Health Savings Account (HSA) provides traditional medical coverage and a tax-free way to pay for current or build savings for future medical expenses. The HDHP features higher annual deductibles than other traditional health plans (for 2025, a minimum of $1,650 for Self Only and $3,300 for Self Plus One or Self and Family coverage). The maximum out-of-pocket limitations for HDHPs participating in the FEHB Program in 2025 are $8,300 for Self Only and $16,600 for Self Plus One and Self and Family enrollment.

  The FEHB HDHPs will include a premium pass-through contribution to an HSA or a credit to an HRA associated with each HDHP will be funded from premiums. The contribution or credit amount will vary from plan to plan. Monies in an enrollee's HSA belong to the enrollee who is the accountholder and will remain in that account until used for qualified medical expenses (QME). Enrollee contributions to their HSA are an "above-the-line" tax deduction. In addition, the HSAs earn interest tax-free and can be withdrawn tax-free so long as the funds are used on QMEs. HSAs may be used as income in retirement, without penalty, but are subject to the normal tax rate.

Credit funds in an enrollee's HRA belong to the employer, and not the employee, and are managed by the health plan. They do not earn interest and are not portable. The HRA may continue to be used for a QME so long as the enrollee does not switch to another health plan or separate from Federal service, except to retire. More information on this option is on OPM's website.

Enrollment types include Self Only, Self Plus One, or Self and Family.

- **Cost:** The Government contribution equals 72 percent of the program-wide weighted average of subscription charges in effect each year, for Self Only, Self Plus One, and Self and Family enrollments, subject to the maximum of 75 percent of the charges for any particular plan or option. Employees are subject to payroll withholdings for health plan costs in excess of the Government contribution.

- **Premium Conversion:** Eligible new employees who elect to enroll in the FEHB Program will participate automatically in premium conversion unless they waive participation. Premium conversion is a tax benefit. It allows an employee's contribution for FEHB coverage to be made on a pre-tax basis, which means that the money is not subject to Federal income, Medicare, or Social Security taxes.

Life Insurance (FEGLI)

Eligibility to participate in the Federal Employees' Group Life Insurance (FEGLI) Program depends on the type of Federal appointment. Generally, Federal employees who receive appointments limited to 1 year or less are excluded.

However, individuals with temporary appointments designated as "provisional" are eligible as explained in the Health Insurance section.

If life insurance coverage is waived during a new employee's first opportunity to enroll, which ends 60 days after the employee's appointment date in an eligible position, subsequent open season opportunities to elect coverage are very limited. Enrollment will be accepted within 60 days after a change in family circumstances (marriage or divorce, a spouse's death, or acquisition of an eligible child) or, for any coverage except Option C, upon medical evidence of insurability.

- **Basic:** Eligible employees automatically receive Basic life insurance coverage unless they file a written waiver. The Basic insurance amount is equal to the greater of $10,000, or the total of employee's annual rate of basic pay, rounded up to the next even $1,000, plus $2,000. It includes additional coverage for employees under age 45, plus accidental death and dismemberment coverage (AD&D).

- **Optional:** Basic must be in effect to elect any Optional coverage. The Program offers three types of Optional life insurance, which employees may elect within 60 days of becoming eligible without evidence of good health. Option A offers $10,000 life insurance and AD&D coverage; Option B offers life insurance (no AD&D) coverage in multiples of 1, 2, 3, 4, or 5 times the employee's annual rate of basic pay (rounded up to the next even $1,000); and Option C is life insurance (no AD&D) on the employee's eligible family members in multiples of 1, 2, 3, 4, or 5 times the amount of $5,000 on death of a spouse and $2,500 on death of an eligible child.
- **Cost:** The cost of Basic life insurance is shared by the employee and the Government; the employee pays two-thirds, and the Government pays one-third. The employee's biweekly premium is 15 cents per $1,000 of the Basic insurance amount. Employees pay the full cost of all Optional insurance, and premiums for Optional insurance are based on 5-year age bands beginning at age 35.

Flexible Spending Accounts (FSAFEDS)

New employees working for an Executive Branch agency, or an agency that has adopted the Federal Flexible Benefits Plan ("FedFlex"), can elect to participate in the Federal Flexible Spending Accounts Program (FSAFEDS). FSAFEDS offers three different flexible spending accounts (FSAs): a health care flexible spending account, a limited expense health care flexible spending account, and a dependent care flexible spending account. Information on this program is on the FSAFEDS website.

New employees have 60 days after their entry on duty to enroll in this program; however, new enrollments are not accepted after September 30. In addition, there is an enrollment opportunity each year during the Federal Benefits Open Season at which time eligible employees may enroll in FSAFEDS for the following year.

Long Term Care Insurance (FLTCIP)

As of December 19, 2022, applications for coverage under the Federal Long Term Care Insurance Program (FLTCIP) has been suspended. When the suspension has ended, individuals eligible for FLTCIP coverage may apply. Most Federal and U.S. Postal Service employees and annuitants, active and retired members of the uniformed services, and their qualified relatives are eligible to apply for insurance coverage under FLTCIP. An eligible employee is one who serves in a position that conveys eligibility for the FEHB Program, even if he or she does not enroll in FEHB. The Program is medically underwritten, which means that applicants will have to answer questions about their health on the application. Certain medical conditions, or combinations of conditions, will prevent some people from being approved for coverage. New employees and their spouses can apply with abbreviated underwriting within 60 days of the hire or eligibility date. After the 60 days, employees and spouses can apply with full underwriting. Qualified relatives, including same-sex and opposite-sex domestic partners, can apply at any time with full underwriting. FLTCIP does not offer a "Self and Family" option. Each applicant must apply on his/her own. Long Term Care Partners, LLC, the administrator of the Program, evaluates each application to determine eligibility to enroll in the Program. The Federal Long Term Care Insurance Program is an employee-pay-all program. By law, there is no Government contribution toward premiums.

For more information and to apply for coverage, eligible individuals should visit the FLTCIP website.

Dental and Vision Insurance (FEDVIP)

Dental and vision benefits under the Federal Employees Dental and Vision Insurance Program (FEDVIP) are available to eligible Federal civilian and U.S. Postal Service employees, Federal retirees (annuitants), survivor annuitants, compensationers, and their eligible family members. Certain retired uniformed services members and their family members and active- duty family members are also eligible for FEDVIP.

Federal civilian employees who are eligible for FEHB coverage are eligible or U.S. Postal Service employees who are eligible for PSHB coverage are eligible, whether or not they are enrolled. Most uniformed service retirees and their family members are eligible for dental coverage. Most uniformed services retirees and their family members as well as active-duty family members are eligible for vision coverage, if enrolled in a TRICARE health plan.

New employees may enroll within 60 days of becoming eligible. After the initial opportunity to enroll, FEDVIP permits enrollment and enrollment changes during the Federal Benefits Open Season each November/December and upon the occurrence of qualifying life events such as changes in family, employment or coverage status.

- **Plans:** FEDVIP offers a choice of 12 dental and 5 vision plans that offer coverage nationwide or in specific geographic regions. Enrollment types include Self Only, Self Plus One, or Self and Family. Eligible employees and annuitants may enroll in either a dental plan or a vision plan, or both.

New employees may enroll through the BENEFEDS enrollment portal. Once enrolled, employees may change or cancel their FEDVIP plan during Federal Benefits Open Season.

- **Cost:** FEDVIP is an enrollee-pay-all program. By law, there is no Government contribution toward premiums.
- **Premium Conversion:** Premiums are paid for FEDVIP coverage on a pre-tax basis (premium conversion) for active Federal civilian and U.S. Postal Service employees. Unlike the FEHB Program, employees may not opt out of premium conversion for FEDVIP.

More information can be found on the BENEFEDS website.

Retirement Coverage

Eligibility for retirement coverage depends upon the type of appointment. Most types of appointments, including "provisional" appointments, will confer retirement coverage eligibility. However, temporary appointments limited to a year or less and intermittent appointments are excluded from coverage eligibility. Other less common appointments may also be excluded from coverage eligibility.

Types of Coverage

Appointees who are eligible for retirement coverage will generally be covered under either the Federal Employees' Retirement System (FERS) or the Civil Service Retirement System (CSRS), depending upon individual circumstances. FERS and CSRS are the two principal retirement plans for Federal employees.

- **FERS** is a three-tiered system consisting of Social Security benefits, basic FERS (a defined benefits plan), and the Thrift Savings Plan (a defined contribution plan). An employee covered by FERS will be covered under either FERS, FERS-Revised Annuity Employee (FERS-RAE), or FERS-Further Revised Annuity Employee (FERS-FRAE). FERS-RAE and FERS-FRAE employees receive the same FERS retirement benefit, but pay a higher deduction for FERS. See Chapter 10, Coverage, of the CSRS & FERS Handbook for Personnel and Payroll Offices, for additional information on determining whether an employee is covered by FERS, FERS-RAE or FERS-FRAE.

- **CSRS** is a defined benefit plan that pre-dates Social Security and was originally established as a stand-alone staff retirement plan. Beginning in 1984, however, certain employees subject to CSRS coverage also became covered by Social Security. Coverage under both CSRS and Social Security is often referred to as CSRS-Offset. Employees covered under CSRS or CSRS-Offset may also participate in the Thrift Savings Plan.

New Appointees: In most cases, appointees eligible for retirement coverage who are new to Government service will be covered under FERS-FRAE.

Appointees with Prior Government Service: If an appointee has prior Government service and is eligible for retirement coverage, the appointee may be covered under FERS, FERS-RAE, FERS-FRAE, CSRS, or CSRS-Offset, depending on their work history with the Government. The appointee's Human Resources Office will determine the appropriate type of retirement coverage and will advise the appointee of any retirement coverage election opportunities.

See Appendix D for additional information about health benefits, life insurance, and retirement for new appointees.

Separated Employees

Health Insurance (FEHB)

After separation, FEHB plan coverage terminates on the last day of the pay period in which the employee separates. The employee is then entitled to a 31-day temporary extension of coverage at no cost to the employee. In addition, if the employee files an election with the separating agency and pays **both** the employee and the Government share of costs (plus a 2 percent administration fee), coverage in the existing plan or another plan in the Program can be continued for up to 18 months under the temporary continuation of coverage (TCC) program feature. When group insurance eligibility ends, the employee has the right to convert the coverage to an individual health insurance policy if offered by his or her health plan or to purchase a plan on or off the Health Insurance Marketplace (Exchange).

If an employee retires under a retirement system for Federal employees, group health insurance can be continued into retirement, provided the employee qualifies for an immediate annuity and was enrolled in the FEHB Program for the 5 years of service immediately preceding retirement, or — if less than 5 years — for all periods of eligibility since the first opportunity to enroll. This includes Members of Congress and designated congressional staff who have been enrolled in DC SHOP coverage.

Eligible retirees have the same health plan choices and pay the same share of the costs for health insurance as active employees do. Annuitants are subject to withholdings from their monthly annuity to pay for health plan costs in excess of the Government contribution.

Consumer Driven Health Plan

Employees who join a high deductible health plan (HDHP) and have a Health Savings Account (HSA) have funds that are fully portable. As long as their money stays in a qualified Health Savings Account and is used for qualified medical expenses, as established by the Department of the Treasury, both the interest and any withdrawals are tax free. This is true even for employees who elect a health care option in the future that is not a Consumer Driven Health Plan or the equivalent. The money in an HSA may continue to accrue – or be used – for future medical expenses, and monies in an HSA will remain in the account until used for qualified medical expenses. However, employees who retire and enroll in Medicare are not eligible by law for HSAs, so if they have a High Deductible Health Plan, a new health reimbursement arrangement (HRA) will be established by their health plan. Monies in their HRA belong to the employer, and not the annuitant, and are managed by the health plan. They do not earn interest and are not portable. The HRA may continue to be used for qualified medical expenses so long as the annuitant does not switch to another health plan.

Life Insurance (FEGLI)

Life insurance continues for 31 days after separation at no cost. During this period, all or any part of the coverage can be converted, without medical examination, to non-group coverage, with rates based on the individual's age and class of risk.

If an employee retires under a retirement system for Federal employees, Basic and Optional group life insurance can be continued into retirement, provided the employee qualifies for an immediate annuity and had the coverage for at least the 5 years of service immediately before retirement, or during all periods the coverage was available, if that is less than 5 years. (The employee may convert any coverage that he or she is not eligible to continue into retirement.)

Retirees pay the same premiums as active employees. The premiums for Basic insurance and Option A stop at age 65. At that time, the face value of Option A insurance in effect at retirement begins to decrease by 2 percent per month. The post-retirement reduction continues until 75 percent of the coverage is gone and 25 percent ($2,500) remains. There is a similar 75 percent reduction for Basic insurance; at the time of retirement, however, an employee eligible to continue Basic insurance can elect to pay additional premiums to prevent Basic insurance from decreasing or to have a lesser (50 percent) reduction.

If a retiring employee is eligible to continue Option B and/or Option C insurance into retirement or while receiving workers' compensation benefits, the retiring employee can elect how many Option B/Option C multiples to carry into retirement and how those multiples will reduce after he or she reaches age 65. The employee will be able to choose from two levels of coverage: Full Reduction or No Reduction, for the respective multiples.

If a retiring employee chooses Full Reduction, premiums stop at age 65, and the coverage begins to reduce by 2 percent per month until it reduces to zero. If a retiring employee chooses No Reduction, the coverage does not reduce at age 65, and the retiree continues to pay premiums for the appropriate age group. The retiring employee can choose mixed multiples of coverage for Option B and Option C. For example, if the retiring employee has three multiples of an Optional insurance (B, C, or both), he or she can elect to have two multiples with Full Reduction and one with No Reduction. The retiree can change a No Reduction election to Full Reduction at any time (unless coverage is assigned). The retiree can change a Full Reduction election to No Reduction only if the retiree is younger than 65.

Flexible Spending Accounts (FSAFEDS)

Money in an FSAFEDS flexible spending account – either the health care flexible spending account, limited expense flexible spending account, or the dependent care flexible spending account – is available only for claims incurred prior to the date the employee separates from the Government. However, the claims do not have to be submitted by the separation date. When an employee incurs eligible expenses before the separation date, he or she has until April 30 of the following year to submit claims incurred during the plan year prior to separation. Any balances remaining for which claims were not submitted by April 30 will be forfeited. FSAFEDS dependent care accounts from 2024 have a claim submission date of April 30, 2025.

For the Health Care and Limited Expense Health Care FSAs only, if an employee had more eligible expenses than money deducted from payroll, he or she will not have to reimburse the difference, and the balance will not be recovered from the employee. This could happen, for example, if the employee's election was for $2,500 and incurred eligible expenses equal to that amount by the separation date. Because this amount ($2,500) is designated to be taken out of paychecks in equal amounts spread out over the course of the year, if the employee leaves before the end of the year, the missing payments can no longer be deducted from payroll, and he or she will not be required to otherwise make them up.

Federal Long-Term Care Insurance Program (FLTCIP)

Long term care insurance coverage is fully portable, which means it continues without change when insured individuals leave the Federal Government — the same product and the same price — as long as they continue to pay premiums. OPM is still the policyholder, and the coverage continues to be administered by Long Term Care Partners, LLC. If the insured individual is paying premiums through direct bill or automatic bank withdrawal, those arrangements continue unchanged. However, individuals paying through payroll deduction should contact Long Term Care Partners directly so that they can switch their payment method to direct bill or automatic bank withdrawal.

Dental and Vision Insurance (FEDVIP)

Coverage under the Federal Employees Dental and Vision Insurance Program (FEDVIP) terminates upon separation from Federal service, unless the employee is eligible for an immediate annuity.

If an employee retires under a retirement system for Federal employees, FEDVIP coverage eligibility is retained. Retirees must have retired with an immediate annuity (a FERS Minimum Retirement Age (MRA) + 10 postponed annuity is considered an immediate annuity). Those in receipt of a deferred annuity are not eligible to enroll in FEDVIP. However, unlike FEHB coverage and FEGLI coverage, there is no length of time one must be enrolled in FEDVIP as an active employee to continue coverage after retirement.

Retirement

An employee under FERS (including FERS-RAE and FERS-FRAE) may retire and receive an immediate annuity after reaching the minimum retirement age (MRA, age 55 to 57, depending on year of birth) with 30 years of service, age 60 with 20 years, or age 62 with five years. Under FERS, one can also retire on a reduced annuity at MRA with as little as 10 years of service. An employee under CSRS and CSRS-Offset may retire voluntarily after reaching age 55 with 30 years of service, age 60 with 20 years, or age 62 with five years.

An employee may also be eligible for early discontinued service retirement (DSR), based on an involuntary separation. Under both FERS and CSRS, the employee must be age 50 and have at least 20 years of service or have at least 25 years of service regardless of age, to be eligible for DSR.

An involuntary separation is qualifying for DSR unless it is based on misconduct or delinquency. A resignation may also qualify for DSR if the individual resigns in response to a written request from an Administration official having the authority to request such resignations or the new head of an agency. The resignation of a Presidentially-appointed policy-making officer qualifies for DSR whenever the individual's resignation is accepted by the President (not limited to the advent of a new administration). When it is known that a Presidential appointee is leaving, the resignation of a noncareer SES appointee or Schedule C appointee who works for that person is also considered an involuntary separation for purposes of DSR.

Individuals Not Eligible for Immediate Retirement

Employees who do not meet the age and service requirements for voluntary retirement may be eligible for deferred retirement. Under both FERS and CSRS, at least five years of civilian service are needed to qualify for deferred retirement at age 62. In addition, a FERS employee with at least 10 years of Federal service (which must include at least five years of civilian service) may elect to receive deferred retirement as early as the MRA. To qualify for deferred retirement, individuals must leave their retirement contributions in the retirement fund. Individuals with less than five years of civilian service do not qualify for deferred retirement.

Refunds of Retirement Contributions

Those not eligible for an immediate annuity may elect to receive a refund of retirement contributions. To qualify for the refund, the individual must be separated for at least 31 days and apply for the refund at least 31 days before qualifying for a deferred annuity, if applicable. Under FERS and CSRS, the service covered by the refund may be creditable towards retirement benefits if the individual returns to Government service and is subject to retirement coverage.

Unemployment Compensation and Dislocated Worker Services

Unemployment Compensation for Federal Employees

Presidential appointees, noncareer and limited SES appointees, and Schedule C employees who resign by request or are separated due to a change in agency leadership or as a result of the transition to a new Presidential administration may be eligible for Unemployment Compensation for Federal Employees (UCFE). Unemployment compensation is generally provided through the State in which the individual's last official duty station is located. Benefit levels and eligibility requirements vary from State to State. For further information about UCFE requirements and benefits, contact a specific State Workforce Agency listed on CareerOneStop.

Whether an individual's resignation is requested or not requested may affect entitlement to unemployment compensation. Resigning before receiving a request to resign is generally considered an unprompted resignation and is not usually viewed as sufficient for unemployment compensation purposes. To assure that State Workforce Agencies are aware that the separation by request is due to a change in Presidential administrations or agency leadership, it is important that this reason be clearly indicated on the SF-50. Individuals are advised to provide a copy of the request for resignation to the State Workforce Agency when filing.

Dislocated Worker Services

These employees may also be eligible for dislocated worker services, including retraining and placement assistance, which are funded through Department of Labor grants. Benefits and eligibility requirements vary from State to State. Visit the Department of Labor's website for more information about dislocated workers.

V. Personnel Security Vetting

This section provides guidance on the personnel security vetting processes for personnel assigned as Presidential appointees, political appointees, and those assigned to work on Presidential transition teams.

Per section III of this document, OPM authorizes the appointment of noncareer Senior Executive Service (SES) members as well as Schedule C employees in positions of a confidential or policy-determining nature. However, this authorization does not include the personnel security vetting.

Personnel security vetting is the investigative and adjudicative process individuals must undergo to be determined fit to be appointed to the position as well as eligible to occupy a national security position or to hold a security clearance, as appropriate.

The Intelligence Reform and Terrorism Prevention Act of 2004, Subtitle F, Section 7601, names the Office of the Director of National Intelligence (ODNI) as the designated agency to coordinate the investigations and granting of security clearances for appropriate transition team members who will have a need for access to classified information for the period between the election of the President-elect and the Presidential Inauguration. Some of the transition team members processed may eventually be named as Presidential appointees, noncareer SES members, or as Schedule C appointees for any given Department or Agency.

Between Election and Inauguration[1]

The ODNI designated the Federal Bureau of Investigation (FBI) as the entity to conduct background investigations for Presidential transition team personnel up until the time of the Presidential Inauguration. The ODNI designated the Department of Justice (DOJ), Security and Emergency Planning Staff (SEPS) as the entity to make security clearance determinations during this period. The DOJ, SEPS will process interim clearances, as required, conduct the commensurate security briefings, and obtain the required Non-Disclosure forms (SF-312 and/or 4414). In conducting the background investigation, the FBI will report any matters regarding the fitness of these individuals to the Office of the President-Elect for a fitness decision. If the investigation is

[1]Only applicable if there is a change in Administration. Should the incumbent President be re-elected, vetting processes remain unaffected.

completed during this time, the DOJ, SEPS will make the final security clearance determinations. The DOJ, SEPS will communicate the clearance information to the Office of the President-Elect. Departments and Agencies whose Cabinet level Presidential Appointees are confirmed by the Senate during this time should contact the DOJ, SEPS to coordinate any additional required security briefings.

Agencies requiring security clearance information for their respective transition teams should have their security office email the Department of Justice, SEPS, Personnel Security Group at DOJTransitionVetting@usdoj.gov to request the information.

After Inauguration

Upon the inauguration of the President, the DOJ, SEPS is no longer responsible for the security clearance adjudications for Presidential or political appointees to other Departments and Agencies. On or around the next business day after the Presidential Inauguration, the DOJ, SEPS will coordinate with Departments and Agencies to transfer the records of any adjudicated personnel security investigations, and applicable non-disclosure forms, for personnel already confirmed or appointed to respective Departments and Agencies for their record retention. The agencies will need to sign a receipt for the records received.

For individuals for whom the DOJ, SEPS has granted an interim clearance but the FBI background investigation is still in process at the time of the Inauguration, DOJ will transfer the security record on hand to the White House Clearance Counsel's office. The FBI will deliver their investigation, once completed, to the White House Clearance Counsel's office.[2]

[2] Or to an office designated by the Administration.

Post-Inauguration Vetting Processes per Appointment Type

Presidential Appointees Requiring Senate Confirmation who are Nominated Post-Inauguration

Once an individual is under consideration by the President for nomination to a Senate-confirmed position, the background investigation is conducted by the Federal Bureau of Investigation (for most Departments and Agencies[3]) and provided by the FBI to the White House Clearance Counsel's Office. Matters developed during the investigation will be considered by designated personnel from the White House Clearance Counsel's office in deciding whether the President should proceed with the nomination. The candidate is then officially nominated by the President, and the candidate undergoes the confirmation process through the appropriate Senate committee and the full Senate confirmation.

If and when the individual is confirmed by the Senate, the Department or Agency to which the individual is appointed must coordinate with the FBI, National Name Check Program to request a copy of the completed background investigation. The Department or Agency personnel security office will use the results of the investigation to make the appropriate personnel security determinations. Departments and agencies who may have fitness concerns should consult with their White House Liaison officer.

Presidential Appointees Not Requiring Senate Confirmation, Non-Career SES, and Schedule C Appointees who are Appointed Post-Inauguration

For Presidential appointments not requiring Senate confirmation, non-Career SES appointments, and Schedule C appointments, post-Inauguration, the Department and Agency to which the individual is being appointed will proceed with their normal personnel vetting processes, per their established policies and procedures. Background investigations for these individuals are generally not conducted by the FBI but rather by the Defense Counterintelligence and Security Agency (the primary

[3] Some agencies with delegated investigative authority for vetting may be permitted to conduct the background investigations for their Senate-confirmed presidential appointees.

provider for background investigations across Government) or another agency with delegated investigative authority.

Departments and Agencies in need of further guidance should consult with their White House Liaison officer.

Reciprocity

Reciprocity requirements and procedures per E.O. 13467, as amended, and ODNI Security Executive Agent Directive 7, *Reciprocity of Background Investigations and National Security Adjudications*, are applicable to all political appointees except for *Presidential Appointees requiring Senate confirmation* because an updated investigation with a greater scope is required for these appointees.

Continuous Vetting

Departments and agencies will enroll their Presidential Appointees, Non-career SES, and Schedule C appointees into continuous vetting. The agency's designated Security Officer will make the determination of continued eligibility to hold a clearance based on continuous vetting results and the adjudicative determination should be reported to the national investigations repository as required by policy. Departments and agencies should consult with their White House Liaison officer if any fitness concerns are developed in a continuous vetting alert or self-reported by the individual.

VI. Personal Identity Verification

This section provides guidance on the requirements for issuing appropriate personal Government-issued identity badges to individuals working on Presidential transition teams.

Overview

The President's Homeland Security Policy Directive # 12 (HSPD-12) established a mandatory, Governmentwide standard for secure and reliable forms of identification to gain access to Federally-controlled facilities and information systems. Under this directive and implementing guidance by the National Institute of Standards and Technology (FIPS-201-2, August 2013 superseded by FIPS 201-3, issued Jan. 2022) and the Office of Management and Budget (OMB Memorandum M-05-24, August 2005), personal identity verification (PIV) cards are to be issued for long-term access to Federal facilities and/or information systems. Pursuant to Executive Order 13467, as amended, OPM issued a Memorandum to Heads of Departments and Agencies, dated July 31, 2008, entitled "Final Credentialing Standards for Issuing Personal Identity Verification Cards under HSPD-12." This memorandum provides Governmentwide credentialing standards to be used by all Federal agencies in determining whether to issue or revoke PIV cards for their employees and contractor personnel. Additionally, on March 2, 2016 the Security, Suitability and Credentialing Performance Accountability Council issued Guidance on Executive Branch-Wide Requirements for Issuing Personal Identity Verification (PIV) Credentials and Suspension Mechanism explaining that agencies are required to apply the supplemental standards from the 2008 memorandum referenced above, when making determinations on individuals not subject to adjudicative standards for suitability under 5 CFR part 731 or adjudicative standards for national security determinations pursuant to Executive Order 12968.

PIV Credentials for Transition Team Members

Members of transition teams needing access on a short-term basis, (less than six months) to a Department or Agency, may be granted access according to the Department or Agency's internal policies and procedures, which may include issuance of an alternative token for logical access pursuant to OMB guidance.

Members of transition teams needing long-term access (more than 6 months) to Federally-controlled facilities or information systems will need PIV credentials and will therefore require the appropriate level of investigation and a determination of eligibility to be granted a PIV credential, in accordance with OMB guidance. Agencies needing expedited investigative services for members of transition teams requiring PIV cards after the Presidential Inauguration should consult with their Investigative Service Provider (in most instances, the Defense Counterintelligence and Security Agency). Members of transition teams who are detailed from Federal agencies to a transition team not within their agency will need to verify that their PIV cards are acceptable at the detail site.

The Department or Agency's Personnel Security Office and Physical Security Office should be consulted when processing transition team members for access to Federal facilities or Federal information to ensure the proper vetting has been completed.

VII. Appendices

Appendix A: Q&A on Separations for Political Appointees

Contents

General Issues

1. **Can I be separated before the resignation date of my agency head, and how much notice will I receive?**

   Yes. If you are a noncareer SES appointee, you may be removed at any time. Noncareer SES appointees must be given a written notice at least 1 day before the effective date of a removal. *[5 U.S.C. 3592(c); 5 CFR 359.902]*

   If you are a Schedule C employee, you may be removed at any time. There is no statutory notice requirement. However, some agencies have elected to provide Schedule C employees with advance notice of their separations. Your Human Resources Office can advise you of your agency's policy on notice procedures.

2. **Do I have appeal or grievance rights?**

   There is no appeal right to the Merit Systems Protection Board (MSPB) on the removal of a noncareer SES appointee. Employees separated from their Schedule C positions have no appeal rights to MSPB. In some agencies, noncareer SES appointees and Schedule C employees may grieve their separations under an agency administrative grievance system or another agency dispute resolution system. Your Human Resources Office can advise you if your agency permits such grievances.

3. **Do I have additional procedural and/or appeal rights if I am a veteran?**

   An employee's status as a veteran does not change an employee's rights beyond those described in the answers to Questions 1 and 2 above.

4. **If my boss has a statutory term appointment that extends beyond the resignation date of my agency head, do I have to leave before the resignation date?**

   Not necessarily. This, too, will be up to your agency.

5. **If my boss is asked to stay beyond the agency head's resignation date, will I be allowed to remain in my position also?**

   Not necessarily. This, too, will be up to your agency.

6. **Can my agency provide outplacement assistance?**

   If your agency offers outplacement services to all agency employees, noncareer SES appointees and Schedule C employees may use them.

7. **Can my agency pay my travel and transportation expenses when I leave Government service?**

   The Government is not authorized to pay relocation expenses for separating Presidential appointees, noncareer SES appointees, or Schedule C appointees to return to private industry or to their place of residence. See gsa.gov/travelpolicy on the General Services Administration's website for additional information about travel and transportation allowances, in particular those for departing political appointees.

Benefits

8. **What happens to my accrued annual and sick leave?**

   When your Federal employment ends, you will receive a lump-sum payment for any unused annual leave. The lump-sum payment is taxable and equals the pay you would have received if you had remained in Federal service on annual leave (as provided in OPM regulations). This payment excludes any allowances that are paid for the sole purpose of encouraging an employee to remain in Government service, such as retention incentives and physicians' comparability allowances. No payment is made for accrued sick leave. Generally, sick leave will be recredited if you are reemployed in a Federal position.

9. **Will I be eligible for severance pay?**

   No. Employees serving under noncareer SES or Schedule C appointments are not eligible for severance pay.

10. If I am separated, will I be eligible for unemployment compensation?

The U.S. Department of Labor advises that Presidential appointees, noncareer and limited SES appointees, and Schedule C employees are generally eligible for benefits under the Unemployment Compensation for Federal Employees (UCFE) program because their separation from Federal service is viewed as being involuntary (i.e., occurring through no fault of their own). To make State unemployment compensation offices are aware that your separation is due to a change in agency leadership, it is important that this reason be clearly indicated on the SF-50 (Notification of Personnel Action) and all UCFE claims inquiry forms. Agencies are encouraged to use reasons such as "separation due to change in agency leadership" or "separation due to transition to new Presidential administration."

11. If I resign, will I be eligible for unemployment compensation?

If you resign by request due to a change in Presidential administrations or agency leadership, you may be eligible, provided you meet all other State-specific eligibility requirements. If you resign before being requested to do so, you may not be eligible. To assure that State Workforce Agencies are aware that your resignation is by request due to a change in Presidential administrations or agency leadership, it is important that this be clearly stated in your written resignation. Your agency should also indicate the same on the SF-50 and all UCFE claims inquiry forms. Again, you should check with your State Workforce Agency if you have any questions.

12. What will my SF-50 say if I resign or if I am separated?

If you resign from your position due to a change in agency leadership or as a result of a transition to a new Presidential administration, the "Remarks" section of your SF-50 (Block 45) will state "Reason for Resignation" and will then summarize the reason you provided in your written resignation. If your resignation is requested, your written resignation should include, "Resignation due to a change in Presidential administrations" or "Resignation by request due to a change in agency leadership." Your SF-50 will then reflect, "Resignation due to a change in Presidential administrations" or "Resignation due to a change in agency leadership." If you are separated, your agency will state in Block 45 under the "Reason for Termination" that you were separated "due to a change in Presidential administrations" or "due to a change in agency leadership."

(**Note:** The reason given for resignation may affect your eligibility for unemployment benefits. Resigning before receiving a request to resign is generally considered an unprompted resignation and is not usually viewed as sufficient for unemployment compensation purposes. See also Questions 10, 11, and 13)

13. How do I apply for unemployment compensation?

States act as agents of the Department of Labor in the taking, processing, and payment of UCFE benefits. Therefore, applications are generally filed with a State Workforce Agency in the State of the employee's last official duty station. Employees returning from overseas can file in the State of residence after the most recent period of employment. Most States accept UCFE applications by telephone or through the Internet, so you may not have to report in person to file a claim. To locate unemployment benefit information in the State of your choosing, visit CareerOneStop. When you file a claim with the appropriate State agency, you may be asked to provide a copy of your Standard Form (SF) 8 (Notice to Federal Employee about Unemployment Insurance), a copy of your SF-50 (Notification of Personnel Action), and/or copies of your leave and earnings statement.

Unemployment benefits are payable under State unemployment insurance laws. To receive these benefits, you usually must register with the local unemployment office in the State of your last duty station. Employees returning from overseas file in the State of residence. When you file a claim with the State Workforce Agency, you must provide a completed copy of your SF-8 and proof of your Federal employment earnings (an earnings and leave statement). If you have moved out of the State of your last duty station, you can file your claim by contacting the unemployment insurance (UI) agency of the State of your last duty station, or you may contact the UI agency of your State of residence. If you resigned by request, you may need to provide a copy of the request when filing. Your agency's Human Resources Office will provide you with a copy of form SF-8 and answer any questions you may have in this area.

14. Can I keep my Federal employee health insurance coverage when I leave?

After separation, your FEHB coverage continues at no cost for 31 days. In addition, if you file an election with the separating agency and you pay both the employee and employer cost (plus 2 percent administrative cost), your current plan, or another Federal Employees Health Benefits plan you may choose, can be continued temporarily for 18 months. When the group coverage ends, you have a right to convert it to non-group coverage if offered by your health plan or you can enroll on or off the Health Insurance Marketplace. If you retire under a retirement system for Federal employees, you can continue your FEHB health insurance into retirement, provided you qualify for an immediate annuity and you were enrolled for the 5 years of service immediately before retirement, or — if less than 5 years — for all service since your first opportunity to enroll. As a retiree, you would pay the same contribution for health insurance as active employees do.

15. Can I keep my Federal employee life insurance coverage when I leave?

Life insurance continues for 31 days after separation at no cost, and the insurance can be converted. Under the conversion privilege, you may convert all or any part of your Basic and Optional insurance to a non-group policy, with rates based on age and class of risk. No medical examination is required, although you may be asked a few questions about your health to see if you qualify for a lower premium.

If you retire under a retirement system for Federal employees, your group life insurance (but not accidental death and dismemberment) can be continued into retirement, provided you qualify for an immediate annuity and you were enrolled for purposes of each type of coverage for at least the 5 years before retirement, or since the first opportunity to enroll if you had coverage for less than 5 years. As a retiree, you would pay the same premiums as employees. If a retiree chooses a 75 percent reduction at age 65, the amount of insurance begins to decrease by 2 percent per month and your premiums will stop. The post-retirement reduction continues until the Basic and Option A coverage is 25 percent of its original value in force at retirement and until the other optional insurance expires completely. At the time of retirement, you can also elect (via the Standard Form 2818 "Continuation of Life Insurance as an Annuitant or Compensationer") to pay additional premiums to prevent the Basic and Option B and/or Option C coverages (if applicable) from reducing after you reach age 65.

16. Can I keep my Federal long-term care insurance coverage when I leave?

Long term care insurance coverage is fully portable, which means it continues without change when employees leave Federal service – the same product and the same price – as long as premiums continue to be paid. OPM is still the policyholder and the coverage continues to be administered by Long Term Care Partners, LLC.

If the employee is paying premiums through direct bill or automatic bank withdrawal, those arrangements continue unchanged. However, employees paying through payroll deduction should contact Long Term Care Partners directly so that they can switch their payment method to direct bill or automatic bank withdrawal.

17. Can I keep my Federal dental and/or vision insurance coverage when I leave?

After separation, FEDVIP coverage terminates unless you are eligible for an immediate annuity.

If an employee retires under a retirement system for Federal employees, FEDVIP coverage eligibility is retained. Retirees must have retired with an immediate annuity (a FERS MRA + 10 postponed annuity is considered an immediate annuity). Those in receipt of a deferred annuity are not eligible to enroll in FEDVIP. However, unlike FEHB coverage and FEGLI coverage, there is no length of time you must be enrolled in FEDVIP as an active employee to continue coverage after retirement.

18. What are the basic age and service rules for retirement?

Under the Federal Employees' Retirement System (FERS), voluntary retirement is available at the minimum retirement age (MRA, age 55 to 57 depending on year of birth) with 30 years of service, age 60 with 20 years, or age 62 with 5 years. Individuals under FERS can also retire and receive a reduced annuity at MRA with as little as 10 years of service. Under the Civil Service Retirement System (CSRS), you can retire voluntarily after reaching age 55 with 30 years of service, age 60 with 20 years, or age 62 with 5 years.

19. How do I know if I am eligible for early retirement?

You would be eligible for early retirement if you qualify for a discontinued service retirement (DSR) based on an involuntary separation (see next question) and have the required combination of age and service. Under both FERS and CSRS, you must be age 50 and have at least 20 years of service, or you may retire at any age if you have at least 25 years of service.

20. What is considered an involuntary separation for purposes of qualifying for discontinued service retirement (DSR)?

Generally, a separation is qualifying for DSR if it is an agency-initiated action that is not a removal for cause on charges of misconduct or delinquency. A resignation qualifies you for DSR if you resign in response to a written request from an Administration official having the authority to request such resignation or the new agency head. The resignation of a Presidentially-appointed policy-making officer qualifies for DSR whenever the individual's resignation is accepted by the President. When it is known that a Presidential appointee is leaving, the resignation of a noncareer SES or Schedule C appointee who works for that person is also considered an involuntary separation for retirement purposes.

21. What if I am not yet eligible for retirement?

You might be eligible for a deferred annuity. Under both FERS and CSRS, if you have at least 5 years of civilian service, you may receive a deferred annuity at age 62. Also, a FERS employee with at least 10 years of Federal service (which must include at least 5 years of civilian service) may elect to receive a deferred annuity as early as the minimum retirement age (see Question 18). To qualify for deferred benefits, you must leave your retirement contributions in the retirement fund. If you have less than 5 years of civilian service, you do not qualify for a deferred annuity.

Whether or not you qualify for a deferred benefit, you may elect to receive a refund of your retirement contributions as long as you are not eligible for an immediate annuity. To qualify for the refund, you must be separated for at least 31 days and apply for the refund at least 31 days before you qualify for a deferred annuity.

Generally, interest is payable on FERS refunds, but no interest is payable on CSRS refunds. Desirability of the refund depends on individual circumstances (how far from or close to retirement you are and whether you anticipate future Federal employment). You can reinstate credit for the service if you return to Federal service under CSRS or FERS and redeposit the refund with interest.

22. With regard to my benefits, is there anything else I need to watch out for?

You should ask your agency Human Resources Office to look at your particular circumstances. For example, you may need to make a deposit for military service before you leave the agency. Your Human Resources Office will be able to give you specific answers to your questions.

Thrift Savings Plan (TSP)

23. What are my TSP withdrawal options after I leave Federal service?

The TSP provides several ways to withdraw your account:

- You can make a partial withdrawal of your account in a single payment.
- You can make a full withdrawal of your account by any one, or any combination, of the following methods:
  - A single payment
  - A series of monthly payments
  - A life annuity

You can have the TSP transfer all or part of any single payment or, in some cases, a series of monthly payments, to a traditional Individual Retirement Arrangement (IRA) or eligible employer plan. Payments to you can be deposited directly into your checking or savings account by means of electronic funds transfer (EFT).

For more information, please see TSP withdrawal guidance on the TSP website.

24. Can I leave my money in my account, and can I add to this money after I leave Federal service?

You can leave the money in your account. You cannot make direct deposits. However, under certain circumstances, you can make transfers (or rollovers) of eligible distributions from an eligible retirement plan, including a traditional IRA and an eligible employer plan (or its designated financial institution). Only TSP participants who have open accounts can transfer money into the TSP. This includes participants who are separated from Federal civilian service. However, a separated participant who is receiving monthly payments from his or her TSP account cannot transfer money into it.

Your account will continue to accrue earnings, and you can continue to move your money among the TSP investment funds by making interfund transfers.

The Internal Revenue Code requires that you receive a portion of your TSP account (your “required minimum distribution” or “RMD”) beginning when you reach a specific age and are separated from service. If you are a beneficiary participant, your deadline for beginning to receive RMDs depends on whether your spouse died before or after their required beginning date. For detailed rules regarding RMDs, including a table for finding your applicable RMD age and required beginning date, see the TSP booklet Tax Rules about TSP Payments on tsp.gov.

25. If I leave Federal service, can I have the TSP transfer my payment to an Individual Retirement Arrangement (IRA) or other eligible retirement plan?

Yes, you can have the TSP transfer all or part of a single payment to an IRA or other eligible retirement plan. You also can transfer certain monthly payments.

26. Where can I find tax information about TSP disbursements?

For detailed information about withdrawing your account or the tax consequences of your withdrawal choices and Federal income tax withholding requirements, see the TSP's publication Summary of the Thrift Savings Plan. Also, your agency Human Resources Office must give you this information when you leave Federal service. You should also ask your State and local tax authorities about State and local taxes.

27. Will I keep the FERS Agency Automatic (1 percent) Contributions to TSP when I leave?

If you meet the TSP vesting requirements when you leave Federal service, you are entitled to the Agency Automatic (1 percent) Contributions in your account and their earnings.

Most FERS employees become vested in their Agency Automatic (1 percent) Contributions after completing 3 years of Federal (generally civilian) service. However, employees who are in one of the following positions at separation are vested after 2 years of civilian service:

- A noncareer SES appointment.
- An Executive Schedule position listed in 5 U.S.C. 5312, 5313, 5314, 5315, or 5316.
- A position placed in level IV or level V of the Executive Schedule, under 5 U.S.C. 5317.
- A position in the executive branch that is excepted from the competitive service by the Office of Personnel Management because of the confidential and policy-determining character of the position (i.e., a Schedule C position).
- A position as a Member of Congress or a Congressional employee.

28. How soon can employees start participating in the Thrift Plan?

If you are a new FERS employee or rehired FERS or CSRS employee, you may begin contributing to the TSP immediately.

Social Security

29. Does my Federal employment have an impact on my Social Security benefits?

Yes, it could affect your benefits. If you have ever worked under the Civil Service Retirement System (CSRS) or another retirement plan that doesn't include Social Security, such as the Foreign Service Retirement System, and you receive an annuity based on that service, two provisions of the Social Security law may affect your Social Security benefits:

- The Windfall Elimination Provision (WEP) may reduce the Social Security benefit you earned based on your work. The WEP doesn't apply if you were automatically covered by the Federal Employees' Retirement System (FERS) or if you have 30 or more years of "substantial earnings" in Social Security-covered employment.
- The Government Pension Offset (GPO) may reduce or eliminate any Social Security spousal benefit you are otherwise eligible to receive. The GPO doesn't apply if you were required by law to have coverage under the CSRS-Offset provisions (a combination of CSRS coverage and Social Security), or if you were automatically covered by FERS.

Your agency's benefits officer can help you determine whether either of these provisions will affect your Social Security benefits. The Social Security Administration also has fact sheets: The Windfall Elimination Provision (Publication No. 05-10045) and Government Pension Offset (Publication No. 05-10007), that can be printed from ssa.gov or ordered by calling 1-800-772-1213. Benefit estimates received from the Social Security Administration do not reflect reductions under the WEP or GPO.

The Social Security website also allows workers to view an online version of their Social Security earnings and benefits statements. You can also estimate your retirement, disability and survivor benefits. Visit ssa.gov to create your Social Security account.

Post-Separation Employment

30. Are there restrictions on my seeking non-Federal employment while I am currently employed? Will I have any post-employment restrictions?

Yes, there are a number of restrictions. However, because of the complexity of the issues involved, you should address any questions to your agency's Designated Agency Ethics Official or to the Office of Government Ethics.

31. May I compete for other Federal jobs in my agency or in other Federal agencies?

You may compete for any Federal career jobs that are open for applications from the general public. This would include jobs announced through OPM and jobs announced by agencies when the announcement specifies that applications will be accepted from all sources. However, many agency jobs are open only to current career employees or status candidates. You could not apply for those positions unless you had previous Federal career service and the announcements were open to reinstatement or status candidates.

Some non-political jobs are filled in what is called the excepted service. These jobs are excepted from the specific appointment procedures required for competitive career jobs although they are subject to the basic principle of selection based on merit. Agencies may establish their own procedures and qualification requirements for filling certain excepted service positions. If you qualify for such a position, you will be considered in accordance with the agency's procedures.

You may compete for an SES career appointment when the position is advertised under proper merit staffing procedures. The career SES appointment may be subject to OPM pre-appointment review and approval. Detailed information and merit staffing review checklists can be found on OPM's Political Conversions webpage. However, if you are a noncareer SES appointee, you cannot receive a career SES appointment in your current position, or a successor position, since there is no bona fide vacancy.

32. Where and how can I find current job openings and other information on applying for other Federal jobs?

OPM provides access to employment information through USAJOBS, the official job site of the United States Federal Government. USAJOBS can be accessed through the Internet at usajobs.gov.

USAJOBS enables job seekers to use a single system to locate many positions across the Federal Government and use a single résumé to apply for positions across the Government.

33. What are my reinstatement rights if I previously worked for the Federal Government in a career (competitive) position?

You do not have a right (i.e., an entitlement) to be reinstated to a career job. However, if you are preference eligible, if you had career tenure, or if you have not had a break in Federal service of more than 3 years since you left a competitive service job, you do have reinstatement eligibility in the competitive service. This means that you may apply for jobs open only to status candidates and do not have to compete for employment with candidates from outside the Government. However, agencies do not have to consider reinstatement candidates for any particular job.

However, you have lifetime reinstatement eligibility if you left a permanent competitive service job with career tenure or you are a veterans' preference eligible and left with career-conditional tenure. (Non-veterans' preference eligibles who separate with career-conditional tenure generally have 3 years of reinstatement eligibility.) *[5 CFR 315.401].*

You may be reinstated in the SES if you previously successfully completed the 1-year SES probationary period as a career appointee, or if you converted to a career SES appointment when the SES was established in 1979. However, separation from the SES career appointment must not have been for performance or disciplinary reasons. *[5 CFR 317.702]*

34. If I am reemployed in the Federal Government, must the agency match my current salary and grade?

An agency is not required to match your salary and grade. However, if you are reemployed in a General Schedule (GS) position, an agency may, if its internal rules permit, set your basic pay based on the highest previous rate you received in the Federal Government, but not above the highest rate for the grade of the new position. If you are reemployed following a break in service of at least 90 days, an agency may, if its internal rules permit, use the superior qualifications and special needs pay-setting authority to set your GS pay above step 1, not to exceed step 10, based on your superior qualifications or a special need of the agency for your services.

35. If I retire, can I later return to Federal service?

Yes. However, depending on the type of annuity you receive, in most cases your salary as a reemployed annuitant will be offset by the amount of your annuity. There are exceptions, as indicated in the paragraph on "Reemployed Annuitants."

If you received a lump-sum payment for unused annual leave and are reemployed in the Federal service before the end of the annual leave period covered by the lump-sum payment, you must refund a portion of the lump-sum payment. The refunded portion covers the period between the date of reemployment and the expiration of the lump-sum leave period. Upon full refund, your employing agency will recredit to you the amount of annual leave that is equal to the days or hours of work remaining between the date of reemployment and the expiration of the lump-sum leave period.

Appendix B: Appointments and Awards During the 2024 Presidential Election Period

This memo was released on May 24, 2024, and is available on the CHCOC website.

Appendix C: Sample Separation Notice

Notice of Removal to an Employee who does not have a property right to the job under law or regulation, e.g., Noncareer SES Appointee, Schedule C without status in the position.

Mr. C. B. Blank

4731 99th Avenue
Washington, D.C.

Dear Mr. Blank:

This is to notify you that your service as *(insert position title)* will be terminated effective at the close of business, *(insert date)*.

Under the law, incoming leadership has the authority to select staff in whom it has personal confidence to carry out its policy goals. This often necessitates the replacement of existing personnel. As a result, this action should not be construed in any way as a reflection on you personally or on your performance under the prior leadership.

Sincerely yours,
(Insert Name)
(Insert Title)

Appendix D: Q&A Federal Benefits for New Political Appointees

This appendix answers some of the basic questions that new political appointees might ask about their eligibility for Federal health benefits, life insurance, and retirement coverage. It is intended primarily for first-time employees and employees (and annuitants) who are returning to Government service after a break in service of a year or more. This material supplements the information in other parts of the Transition Guide. For more detailed information, please contact your agency's Human Resources Office.

1. **Will I be eligible for Federal health benefits coverage?**

   Your eligibility for Federal Employees Health Benefits (FEHB) coverage depends on the type of appointment you receive. Generally, full-time and part-time Federal employees, as well as temporary or intermittent Federal employees for whom the employing office expects the total hours in pay status (including overtime hours) plus qualifying leave without pay hours to be at least 130 hours per calendar month, are eligible to enroll in FEHB.

2. **Will I be eligible for premium conversion if I enroll in a FEHB plan?**

   Premium conversion is a tax benefit, which allows you to allot a portion of your salary back to your employer, which your employer then uses to pay your contribution for FEHB coverage. The allotment is made on a pre-tax basis, which means that the money is not subject to Federal income, Medicare, or Social Security taxes. All employees in the executive branch of the Federal Government who are participating in the FEHB Program, and whose pay is issued by an executive branch agency, will have FEHB premiums paid under the premium conversion plan unless they affirmatively elect out of premium conversion. Also, if you are enrolled in the FEHB Program, employed outside the executive branch, or your pay is not issued by an agency of the executive branch, you may be eligible if your employer agrees to offer participation in the plan. For more information, use this link on premium conversion to visit OPM's website.

3. **If I am eligible for FEHB coverage, do I need to take any action, or is coverage automatic?**

   Coverage is not automatic. You must enroll within 60 days after you become eligible and select the plan in which you want to be covered. You will be able to choose from among several fee-for-service plans and health maintenance organizations.

4. **Am I able to elect an FEHB plan option for a High Deductible Health Plan (HDHP) and a Health Savings Account (HSA) account?**

   The FEHB Program offers HDHPs with HSAs and health reimbursement arrangements (HRAs) for those not eligible for HSAs. An HDHP with an HSA provides traditional medical coverage and a tax-free way to help you build savings for future medical expenses.

   The HDHP features higher annual deductibles (e.g., a minimum of $1,400 for Self Only and $2, 800 for Self Plus One or for Self and Family coverage) than other traditional health plans. The maximum out-of-pocket limit for HDHPs participating in the FEHB Program in 2020 are $6,900 for Self Only and $13,800 for Self Plus One and Self and Family enrollment. The HSA and HRA associated with each HDHP will be funded from premiums. The contribution or credit amount will vary from plan to plan. Depending on the HDHP, you may have the choice of using in-network and out-of-network providers. Using in-network providers will save you money. With the exception of preventive care, you must meet the annual deductible before the plan pays benefits. A maximum dollar amount (up to $300, for instance) may apply.

   When you enroll in an HDHP, the health plan determines if you are eligible for a Health Savings Account (HSA) or a Health Reimbursement Arrangement (HRA). If you are enrolled in Medicare, you are not eligible for an HSA. Each month, the plan automatically credits a portion of the health plan premium into your HSA or HRA, based on your eligibility as of the first day of the month. You can pay your deductible with funds from your HSA or HRA. If you have an HSA, you can also choose to pay your deductible out-of-pocket, allowing your savings account to grow.

5. **Will I be eligible for FSAFEDS?**

   If you are an employee working for an executive branch agency or an agency that has adopted the Federal Flexible Benefits Plan ("FedFlex"), you can elect to participate in the Federal Flexible Spending Accounts Program (FSAFEDS). FSAFEDS offers three different flexible spending accounts (FSAs): a health care flexible spending account, a limited expense healthcare flexible spending account, and a dependent care flexible spending account.

New and newly eligible employees have 60 days after their entry on duty to enroll in this program. You cannot enroll in FSAFEDS after October 1. However, there is also a Federal Benefits Open Season each year during which you may enroll in an FSA for the following year.

6. **Will I be eligible for Federal life insurance coverage?**

   Life insurance coverage also depends on the type of appointment you receive. Generally, employees with permanent appointments are eligible for life insurance coverage, while employees with temporary appointments limited to 1 year or less are not eligible. However, if your appointment is designated as a "provisional appointment," you will be eligible for life insurance coverage.

7. **If I am eligible for Federal life insurance coverage, do I need to take any action or is there automatic coverage?**

   If you are eligible for Federal life insurance coverage, you will have Basic life insurance coverage automatically unless you waive it. If you want more than Basic coverage, you must act within 60 days to select one or more of three types of optional coverage.

8. **I am an annuitant. How will my health benefits and life insurance coverage be affected when I become reemployed in the Federal service?**

   That depends on the kind of appointment you have when you become reemployed. If you are a reemployed annuitant, your coverage may be handled differently from other employees. You must consult with your Human Resources Office. OPM, or the appropriate retirement system, must be notified of your reemployment.

9. **Will I be eligible to apply for long term care insurance through the Federal Long Term Care Insurance Program?**

   If you are employed in an eligible position, you may apply for this insurance as a new employee using abbreviated underwriting, within 60 days after you begin your Federal position. Your spouse is also eligible to apply with abbreviated underwriting during those 60 days. Either or both of you may choose to apply. There is no "Self and Family" option. Long Term Care Partners, the administrator of the program, will evaluate your application and let you know if you are eligible to enroll in the Program.

An "eligible" position means that you are in a position that conveys eligibility for the Federal Employees Health Benefits Program, even if you do not enroll in the FEHB Program. If you are unsure of your eligibility, please ask someone in your agency's Human Resources Office or visit LTCFEDS.gov.

10. Will I be eligible for coverage under the Federal Employees Dental and Vision Insurance Program (FEDVIP)?

Federal employees eligible to enroll in the FEHB Program are eligible to enroll in FEDVIP. As noted above, eligibility for FEHB coverage depends on the type of appointment you receive. Generally, employees with permanent appointments are eligible to enroll in FEHB and FEDVIP. Also, if your appointment is designated as a "provisional appointment," you will be eligible for FEHB and FEDVIP coverage. (Provisional appointments are used to fill positions that are known to be permanent with the expectation that the appointee will be converted to permanent status.)

11. If I am not enrolled in FEHB, can I still enroll in FEDVIP?

Yes, while you need to be eligible for FEHB, you don't have to be enrolled in FEHB to enroll in FEDVIP.

12. If I am eligible for FEDVIP coverage, do I need to take any action, or is coverage automatic?

Coverage is not automatic. You must enroll within 60 days after you become eligible and select the plan in which you want to be covered or enroll during the annual open season each fall. You may enroll in either a dental plan or a vision plan, or both.

13. Are FEDVIP premiums paid pre-tax?

Premiums are paid on a pre-tax basis (premium conversion) for active employees. This is mandatory. Unlike the FEHB Program, employees may not opt out of premium conversion for FEDVIP.

14. Will I be eligible for retirement coverage?

That will depend on the type of appointment you receive. If you receive a permanent appointment, you will be eligible for retirement coverage. Also, a "provisional appointment" will confer retirement coverage. Generally, if you receive a temporary appointment limited to 1 year or less, or if you are an intermittent employee, you will not be eligible for retirement coverage. Other less common appointments may also exclude you from coverage, so you should check with your employing agency.

15. If I am appointed to a position that does confer retirement coverage, what type of coverage will I have?

If this will be your first civilian Government service, you will be covered by the Federal Employees' Retirement System (FERS). FERS is a three-tiered system consisting of Social Security benefits, basic FERS (a defined benefits plan), and the Thrift Savings Plan (a defined contribution plan). Depending on your prior Federal service, you may be covered by FERS, FERS-RAE or FERS-FRAE. FERS-RAE and FERS-FRAE receive the same retirement benefit as FERS employees but pay a higher retirement deduction.

If you have previous civilian service in the Government, you may be covered, depending on the circumstances addressed in Question 16 below, either by FERS or a combination of the Civil Service Retirement System (CSRS) and Social Security coverage called CSRS-Offset.

(**Note:** CSRS coverage without Social Security is available only to people who (1) had only CSRS coverage; (2) return to CSRS-covered employment after a break in service of less than 1 year; and (3) are not required by law to have Social Security coverage in the new position.)

16. What factors will determine the specific retirement plan by which I am covered?

If your previous Federal service was covered by FERS, your new appointment will automatically be covered by FERS. You will also be covered automatically by FERS if your previous civilian service totaled less than 5 years. If you are not automatically covered by FERS and your appointment is not excluded from retirement coverage, you will likely be covered under CSRS-Offset and have an opportunity to elect FERS coverage within 6 months.

Your employing agency will determine your retirement coverage after reviewing any previous service history.

17. I took a refund of my retirement contributions after my previous service. What effect will that have on my retirement coverage now?

None, but the amount of your future retirement benefits may be affected.

18. I am currently an annuitant. What will my retirement coverage be if I am reemployed as a senior official?

Generally, if you are a FERS annuitant, you will remain subject to FERS coverage upon reemployment.

Reemployed CSRS annuitants have different rules, depending on the type of appointment they receive when reemployed and their prior retirement. Your Human Resources Office can provide you with specific information regarding your retirement coverage. If you are covered under CSRS or CSRS-Offset, you will have a 6-month window to elect FERS.

If you are employed by the Department of Defense, you will be excluded from FERS and CSRS and will be covered only by Social Security (unless your retirement was an involuntary retirement and you elect to be covered under FERS or CSRS).

19. I am an annuitant. What happens to my annuity if I accept a position with the new administration?

In most cases, you will continue to receive your annuity, but the amount of your annuity will be offset from your salary. However, your annuity would be terminated upon reemployment if:

- You retired under CSRS, your annuity is based on an involuntary separation, and reemployment is to an appointment that provides retirement coverage;
- You retired under CSRS and you are reemployed in a Presidential appointment subject to retirement coverage; or
- You retired on disability under either CSRS or FERS, and OPM finds you recovered or restored to earning capacity.

If you are employed by the Department of Defense, generally your annuity will continue, and you will receive the full salary for your position. Under these circumstances, you will earn no additional retirement benefits. If your retirement was an involuntary retirement, however, and you elect to be covered under CSRS or FERS (based on the retirement coverage you had at retirement), the rules described in the first paragraph will apply.

20. I am a former Member of Congress. What will my retirement status be in my new appointment?

Because of the special rules that apply to the reemployment of Members of Congress, your agency benefits officer should request assistance from OPM's Benefits Officers Development and Outreach (202-606-0788).

Appendix E: Merit System Principles and Prohibited Personnel Practices

Merit System Principles (5 U.S.C. 2301(b))

1. Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition which assures that all receive equal opportunity.
2. All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights.
3. Equal pay should be provided for work of equal value, with appropriate consideration of both national and local rates paid by employers in the private sector, and appropriate incentives and recognition should be provided for excellence in performance.
4. All employees should maintain high standards of integrity, conduct, and concern for the public interest.
5. The Federal work force should be used efficiently and effectively.
6. Employees should be retained on the basis of adequacy of their performance, inadequate performance should be corrected, and employees should be separated who cannot or will not improve their performance to meet required standards.
7. Employees should be provided effective education and training in cases in which such education and training would result in better organizational and individual performance.
8. Employees should be —
   - protected against arbitrary action, personal favoritism, or coercion for partisan political purposes, and
   - prohibited from using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for election.
9. Employees should be protected against reprisal for the lawful disclosure of information which the employees reasonably believe evidences —
   - 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.

Prohibited Personnel Practices (adapted from 5 U.S.C. 2302(b))

It is a prohibited personnel practice to:

1. Discriminate on the basis of race, color, religion, sex, national origin, age, disability, marital status, or political affiliation.
2. Solicit or consider any personnel recommendation or statement not based on personal knowledge or records of performance, ability, aptitude, general qualifications, character, loyalty, or suitability.
3. Coerce an employee's political activity.
4. Deceive or obstruct any person with respect to such person's right to compete for employment.
5. Influence a person to withdraw from competition.
6. Grant any preference or advantage not authorized by law, regulation, or rule.
7. Seek to employ or promote a relative.
8. Retaliate or threaten to retaliate against a whistleblower, whether an employee or an applicant.
9. Retaliate or threaten to retaliate against employees or applicants who exercise their appeal, complaint, or grievance rights; testify for or assist an individual in doing so; cooperate with an inspector general or the Special Counsel, or refuse to violate a law, rule or regulation.
10. Discriminate based on actions not adversely affecting performance.
11. Knowingly violate veterans' preference requirements.
12. Violate any law, rule, or regulation implementing or directly concerning the merit principles.
13. Implement a nondisclosure policy or agreement that does not comport with the laws regarding whistleblower protection and disclosures to Congress or Inspectors General.
14. Access the medical record of an employee or applicant as part of the commission of any conduct described above.

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