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FOR PUBLIC SERVICE

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July 27, 2026

Director Scott Kupor
Office of Personnel Management
1900 E St. NW
Washington, D.C. 20415-1000

Re: RIN 3206-AP05, “Elimination of Time-in-Grade”

Dear Director Kupor:

The Partnership for Public Service submits these comments on the rule proposed by the Office of Personnel Management entitled “Elimination of Time-in-Grade,” RIN 3206-AP05, published in the Federal Register on May 28, 2026.[1]

The Partnership is a nonprofit, nonpartisan organization committed to building a better government and a stronger democracy. Core to our mission is the belief that a merit-based, nonpartisan civil service, who represents the diversity of the country, is central to our system of government. Since the Partnership's founding over two decades ago, we have advocated across administrations for changes to federal law, regulations, policies and programs that improve our government's ability to attract, hire and retain a talented and diverse workforce that effectively serves the public.

The Partnership is generally supportive of the proposed elimination of time-in-grade. It is a reasonable policy that can improve performance management flexibility and it is seen as a common best practice to not hold people in a specific role for a predetermined period of time, but rather base upward career mobility on skills and organizational needs.

While giving agencies flexibility to promote employees, there still needs to be a system in place to ensure that this is done following merit principles. OPM should identify both best practices as well as some structure for ensuring employees aren't moved to higher grades without the correct procedures, which includes skills assessment, strong performance management and alignment with agencies planning.

Promotion Best Practices Go Beyond Rule Change

Like many policies and laws governing federal human capital, time in grade is one whose time has come and gone. It is a rigid system that no longer fits the complex and varied jobs across the federal government, nor does it fit with the move to skills-based hiring. While

[1] 91 Fed Reg. 31669

this rule is a good first step in continuing to modernize federal talent management, simply removing it does not change agency practice. Like other changes, this needs to be paired with robust supports to ensure that agencies also modernize their individual practices.[2]

Typically, unless an employee is in a career ladder position, they must compete for a new job and show that they have the skills necessary to qualify for the position. In career ladders, employees are also supposed to demonstrate skills and have strong performance reviews. However, every agency has a different mechanism for how employees progress in their careers. Simply removing time in grade from regulations without pairing it with mechanisms to ensure agencies are also putting into place strong practices means that the move to modern talent management will continue to be ad hoc across government.

Several practices are necessary to ensure agencies are strategically and fairly promoting employees based on both skills and agency needs.

- Agencies must clearly communicate the qualifications and skills necessary to move between grade levels within a career ladder and provide supervisors with that information so they can make informed promotion recommendations. This should be done in coordination with any work on skills-based hiring where HR is identifying the qualifications and skills needed for similar hiring actions.
- OPM should consider whether agencies should have career level promotion review boards. This would ensure that employees being recommended for promotion have the skills and qualifications necessary and that the agency has a line of sight in to its people. The Intelligence Community provides one model of how this can be implemented – at the program level with the engagement of career senior leaders.
- Guardrails, such as an independent audit or higher-level review, should be put into place to ensure that promotions are being made based on merit, and not on favoritism or other prohibited practices.

Agencies will also need to ensure that their human resources offices have the tools and resources to help managers implement strong performance management practices; without it, the added flexibility and discretion this rule assigns to managers and HR will fall on offices that do not have the capacity to take this on.[3]

Install Guardrails to Prevent Abuse and Operationalize

Merit system principles (5 U.S. Code § 2301) and prohibited personnel practices (5 U.S. Code § 2302) lay out the statutory groundwork the proposed rule relies on to argue the

[2] Partnership for Public Service, how to evolve federal performance management—and what's possible right now (Oct. 30, 2024), https://ourpublicservice.org/know-the-facts/ blog/how-to-evolve-federal-performance-management-and-whats-possible-right-now

[3] U.S. Government Accountability Office, High-Risk Series: Heightened Attention Could Save Billions More and Improve Government Efficiency and Effectiveness, GAO-25-107743 (Feb. 2025), https://www.gao.gov/products/gao-25-107743

guardrails already exist. But the rule does not specify who will be responsible for monitoring promotion decisions if the proposed elimination is implemented or how compliance will be verified. There is no mechanism to confirm that agencies are applying these principles across the board nor to catch problems before they generate formal complaints. OPM should address this issue in the rule to ensure agencies have the clarity to help them implement and operationalize the removal of TIG requirements.

Questions Around Ratings Distribution and Time-in-Grade Elimination

In a previously proposed rule, OPM proposed removing the prohibition on forced distribution of ratings, suggesting that the vast majority of employees should receive 3s (or the equivalent). The agency's commentary on the change suggests promotions should instead be based on skills and performance ratings. But it is unclear how the shift to forced distribution of ratings will allow supervisors to use performance to determine when an employee is ready for a promotion.

In the performance accountability section of the time in grade rule, OPM states: "Managers are responsible for ensuring there are sound performance management criteria based on job-related factors at the appropriate levels of proficiency when considering promotions of employees to higher graded duties. Eliminating the TIG requirement will help dispel the myth that promotion automatically follows a set period of time spent in a particular grade and instead emphasizes the importance of the qualification requirements, as well as the quality and level of performance needed to succeed at the next higher grade level."

It is unclear how managers will identify this type of performance, and how the rule on performance intersects with the removal of time in grade as a determining factor in promotions. OPM should clarify how agencies can navigate these new rules and how they intersect in practice.

Additionally, as noted in the section above, managers need additional training, ongoing guidance and support, to set meaningful performance criteria and navigate the performance appraisal and promotion processes.

Conclusion

The Partnership supports the elimination of time in grade as a meaningful step towards a performance management best practice, consistent with our previous recommendations. But regulatory change must come with operational change; otherwise, there is an imbalance of implementation. Managers and HR offices will not automatically know how to implement this new process well. This will require deliberate investment in guardrails, training and oversight, not just the removal of a rule.

Thank you for the opportunity to submit these comments. As always, the Partnership stands ready to assist as OPM considers and evaluates reforms to improve the effectiveness of the systems governing effective management of the federal workforce.

Sincerely,

Max Stier
President and CEO
Partnership for Public Service