PARTNERSHIP
FOR PUBLIC SERVICE

Director Scott Kupor
Office of Personnel Management
1900 E Street NW
Washington, DC 20415-1000

Re: Employment in the Excepted Service, Docket No. OPM-2026-0166, RIN 3206-AO92

Dear Director Kupor,

The Partnership for Public Service submits these comments on the Office of Personnel Management's proposed rule entitled "Employment in the Excepted Service."

The Partnership is a nonprofit, nonpartisan organization committed to building a better government and a stronger democracy. We have advocated across administrations for federal laws, regulations and programs that improve the government's ability to attract, hire and retain a talented workforce that effectively serves the public.

The Partnership applauds OPM's work to review, update and streamline hiring regulations for the excepted service. However, several provisions of the proposed rule raise significant concerns. First, the proposed rule would leave Schedule G without key safeguards that apply to Schedule C and reduce transparency of political appointments. Second, it would allow early-career Pathways participants to be converted to Schedule Policy/Career positions that are intended for policy-influencing roles. We also offer recommendations for implementing the governmentwide Pathways Leadership Development Program that the rule would authorize.

Modernizing Excepted Service Hiring Procedures Is Long Overdue

We support OPM's effort to modernize excepted service hiring procedures in part 302 by "replacing outdated and difficult-to-administer list and order-of-consideration procedures with a simpler framework." We also appreciate OPM's continued push to make it easier for agencies to engage in pooled and shared hiring actions. Proposed §§ 302.105(e) and 302.401(h) would further support OPM-led pooled hiring, helping agencies fill common mission-critical positions.

Additionally, we support proposed § 302.303, which would replace priority reemployment lists with consideration of priority candidates on a case-by-case basis, similar to the Career Transition Assistance Plan and Interagency Career Transition Assistance Plan. The documented procedures that agencies must maintain under proposed § 302.303(a) and (f) should be made public and clear so that eligible individuals know how to apply for priority consideration.

The Proposed Rule Would Leave Schedule G Without Key Safeguards and Reduce Transparency of Political Appointments

Proposed § 213.3701 would codify a process for making Schedule G appointments that mirrors OPM's position-specific authorization process for Schedule C. However, the provision does not include key safeguards that apply to Schedule C under § 213.3301: a certification by the agency head that the position was not created solely or primarily for the purpose of detailing the incumbent to the White House; immediate revocation of the position's exception from the competitive service upon vacancy; and agency notice to OPM within three working days after the position is vacated.[1] Without these safeguards, a Schedule G position that becomes vacant could be refilled without new OPM approval, making Schedule G appointments much easier to abuse and harder for OPM to oversee.

Proposed § 213.103 would eliminate the requirement that OPM publish monthly Federal Register notices of Schedule C authorities, leaving only an annual notice. It would also require only annual notice of Schedule G authorities. This would reduce transparency at a time when politicization of the federal workforce is at record levels. The monthly notices provide the most real-time public record of the positions that OPM has authorized for political appointees, a vital resource for oversight by Congress, the media and the public. Under this provision, Schedule C and Schedule G authorities could be granted without public notice for up to a year. This is particularly concerning because, as of October 2026, OPM had not added Schedule G appointees to its federal workforce data. We urge OPM to reconsider this change, maintain monthly Federal Register notices for Schedule C authorities and extend them to Schedule G.

Converting Pathways Participants to Schedule Policy/Career Is Antithetical to the Schedule's Stated Purpose

The Partnership continues to strongly oppose the use of Schedule Policy/Career to strip federal employees of protections that help guard against politicization.[2] The proposed rule would expand the schedule even further. Proposed § 213.3601(f) would allow positions in statutory personnel systems outside title 5 to be designated as Schedule Policy/Career, to the extent permitted by the governing statute and any applicable executive order, if the position is of "a confidential, policy-determining, policy-making, or policy-advocating character." That standard still lacks a clear definition, and there do not appear to be specific criteria agencies must use to determine which positions meet it. A Partnership analysis of USAJOBS postings found that agencies are applying it far beyond policy-

[1] 5 C.F.R. § 213.3301(b)–(c).
[2] Partnership for Public Service, Comments on OPM's Proposed Rule, "Improving Performance, Accountability and Responsiveness in the Civil Service" (June 6, 2025), https://ourpublicservice.org/publications/partnership-for-public-services-public-comments-on-opms-improving-performance-accountability-and-responsiveness-in-the-civil-service-schedule-p-c-proposed-rule/.

influencing roles, including positions such as training technician, electronics engineer and rehabilitation counselor for veterans.[3]

Proposed § 362.107 is especially concerning. It would authorize agencies to noncompetitively convert eligible Pathways participants into permanent Schedule Policy/Career positions, subject to OPM review. The Pathways Programs are designed for students and recent graduates at the start of their careers—employees who are likely to have little, if any, influence over the policy levers the schedule purports to cover. The administration has said that 97% of the positions converted to Schedule Policy/Career were at the GS-15 or senior level, the most senior roles below the Senior Executive Service.[4] By contrast, Recent Graduates are initially appointed at the GS-11 level or below, except for certain scientific and professional research positions.[5] This provision would push Schedule Policy/Career even further beyond its stated purpose and raises serious questions about how the schedule is being implemented. We urge OPM to remove Schedule Policy/Career conversions from part 362.

OPM Should Address Key Questions Before Launching the Pathways Leadership Development Program

Proposed § 362.110 would authorize OPM to develop and administer a governmentwide Pathways Leadership Development Program under the Recent Graduates Program authority. The Partnership welcomes OPM's interest in developing early-career leaders. As OPM develops implementing instructions, it should count relevant experience broadly, as the 2024 changes to the Pathways Programs did, and keep conversion straightforward, including at other agencies when the employing agency cannot convert a participant.

OPM should also consider how training would be delivered to participants hired on a rolling basis; how the program would complement existing Recent Graduates Program requirements, such as mentorship, an Individual Development Plan and 40 hours of formal interactive training each year;[6] and how rotations would work for participants in specialized, technical positions. Though they can provide rich development opportunities, rotational programs are administratively demanding, and it is unclear whether OPM and agencies have the resources to run such a program effectively. OPM should clarify the program's goals and address these questions before any program launches.

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[3] Partnership for Public Service, "Undermining independence and eroding transparency: Examining Schedule Policy/Career reclassifications" (Aug. 13, 2026), https://ourpublicservice.org/know-the-facts/blog/examining-schedule-policy-career-reclassifications.
[4] The White House, "Fact Sheet: President Donald J. Trump Increases Accountability in the Federal Workforce" (June 3, 2026), https://www.whitehouse.gov/fact-sheets/2026/06/fact-sheet-president-donald-j-trump-increases-accountability-in-the-federal-workforce/.
[5] 5 C.F.R. § 362.303(b)(3).
[6] 5 C.F.R. § 362.301(b)–(d).

Conclusion

The Partnership supports OPM's efforts to modernize excepted service hiring, but modernization should not come at the expense of transparency and the merit system principles that underpin a nonpartisan civil service. We urge OPM to apply Schedule C safeguards to Schedule G, provide timely public notice of Schedule C and Schedule G authorities, remove the authority to convert Pathways participants to Schedule Policy/Career and address key questions before launching the Pathways Leadership Development Program.

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 our government.

Sincerely,

Jenny Mattingley
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Partnership for Public Service