

## SCHEDULE C POSITIONS AND APPOINTMENT

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### I. Purpose

This directive establishes Department of Homeland Security (DHS) policy regarding Schedule C positions and appointment.

### II. Scope

- A. This directive applies to all DHS organizational elements.
- B. This directive applies to excepted service positions established under the Schedule C appointment authority in DHS.

### III. Authorities

This directive is governed by numerous Public Laws and regulations, such as:

- A. 5 U.S.C., Chapter 33, Subchapter I, Sec. 3301-3330c
- B. 5 CFR Part 213.101-104

### IV. Definitions

- A. ***Excepted service***: All positions in the Executive Branch that statute, the President, or the Office of Personnel Management (OPM) have specifically excepted from the competitive service or the Senior Executive Service.

### V. Responsibilities

- A. ***The Secretary*** (or his/her delegated appointing authority), unless otherwise specified, has authority to carry out the functions specified in the Civil Service Reform Act of 1978, to implement OPM regulations, and to carry out such additional responsibilities as may be delegated.

B. **The White House Office of Presidential Personnel (PPO)** establishes requirements for clearing proposed Schedule C incumbents. DHS Headquarters must obtain PPO clearance prior to filling any Schedule C job.

C. **The Department's White House Liaison** will manage PPO clearance requests and respond to questions about PPO clearance, in accordance with procedures to be established by the Department's Chief Human Capital Officer.

D. **The Under Secretary for Management**, through the DHS Chief Human Capital Officer, is responsible for all aspects of this directive.

## VI. Policy & Procedures

A. **Policies**. A Schedule C position requires the incumbent to have a confidential or policy-determining relationship with a Presidential appointee or agency noncareer appointee. This confidential relationship implies knowledge and support of the goals, viewpoints, and philosophies of the supervisor, agency head, and President.

Schedule C positions are excepted from the competitive service because they have policy-determining responsibilities or require the incumbent to serve in a confidential relationship to a key official. Schedule C employees are also subject to change at the discretion of the Administration. Schedule C appointments may be made without competition; however, such appointments require advance approval from PPO and OPM.

Only the Chief Human Capital Officer (or his/her designee), in consultation with the DHS White House Liaison, is authorized to make an official job offer and negotiate an entry-on-duty date. No other Administration or DHS official should make a job offer to a proposed Schedule C incumbent.

B. **Questions or Concerns Regarding the Process**. Any questions or concerns regarding this directive should be addressed to the DHS Chief Human Capital Officer.