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Key points:

- **HR professionals should focus on what employees actually do, attorney says**
- **Clearly explain job protections, provide documentation for Schedule P/C decisions**
- **If an employee is reclassified, "it may not be too late" to make a case for reversal**

Advice for HR professionals in Schedule Policy/Career actions

By Alison Bennett, **cyberFEDS®** Editor Washington Bureau

Q&A: Caution and clarity are the key for federal HR professionals working with employees who are being reclassified into [Schedule Policy/Career](#), attorney **Shaun Southworth**, who leads the federal employment law firm Southworth PC, told **cyberFEDS®**.

Southworth said HR experts should carefully work to confirm that the agency is moving the employee into the right classification, including comparing position descriptions against what the employee actually does. Employees should also be provided with clear notices that identify the protections they have in Schedule P/C and those that no longer apply. They should also be provided with documentation explaining the reason for the agency's decision.

"This could help put some employees at ease and promote the interests of the Agency, and should be explained appropriately," Southworth said.

He provided input for employees, as well as HR staff, on how to navigate the new landscape.

Schedule Policy/Career is designed for positions that are of a confidential, policy-determining, policymaking, or policy advocating character, and are exempted from Chapter 75 adverse action procedures. In June, President Trump signed an [executive order](#) moving about 8,000 federal employees into the schedule, and the Office of Personnel Management issued a [memorandum clarifying employee and labor relations issues](#) related to Schedule P/C. More recently, OPM proposed [rules on the excepted service](#) that would also impact Schedule P/C employees.

Even once an employee is reclassified, it may not be too late for an employee to work with HR and management to change their agency's mind, Southworth said.

"I would not tell an employee to give up on a persuasive response," he said.

Workers should "be prepared to go to management with concrete reasons why they shouldn't be transferred into the new schedule," he added.

Q: What would be the best procedures for agency HR professionals to use when notifying employees that they have been selected to be classified into Schedule Policy/Career? What are some important considerations for them?

First, HR should confirm that the agency has identified the right position. That means checking the position description and the employee's actual duties against the positions designated for inclusion. A shared job title or an outdated description can obscure meaningful differences in what people actually do.

I would recommend a clear, individual written notice explaining the basis for inclusion, the effective date and the practical consequences, followed by an opportunity to speak with someone who can answer questions. The notice should distinguish a recommendation from a completed designation, if appropriate. Employees should have access to the relevant personnel documents, agency policies and a specific point of contact, if not already provided.

Be direct about the loss of ordinary removal protections and related [Merit System Protection Board] appeal rights, while explaining what remains, including [Equal Employment Opportunity] protections, or any commitments from the agency as to performance or conduct expectations and how they would generally be reviewed or addressed, without misleading the employees about their rights.

This could help put some employees at ease and promote the interests of the agency, and should be explained appropriately. Also, if the agency is still providing whistleblowing protections via policy, that should be explained clearly. Employees should not have to interpret a personnel form to understand what this means for their career.

OPM's June 29 guidance allows electronic notification and says a signed acknowledgment is not necessary for the placement to take effect. HR should document the notice, but should not present an acknowledgment as the employee's agreement with the decision.

Q: If an employee has concerns or decides to challenge the classification, how should HR experts best handle that process? What should they expect employees and managers to provide, and what is their role in the process?

Start by listening. An employee pointing out a mistake may be helping the agency get the decision right. Raising a concern should not, itself, be treated as a performance or conduct problem.

Ask the employee to identify the specific error and provide concrete examples of their actual work, such as assignments or work products that show a mismatch with the position description. Ask management for the current description and a specific explanation, with examples, of which duties support inclusion. HR should compare those accounts, follow applicable agency policies and document both the concern and the agency's response.

There is an important distinction between correcting an implementation error and reversing a position's designation. HR should work with the appropriate officials to resolve errors in how the designation was applied. Removing a properly designated position requires an agency petition to OPM for the President's consideration; HR cannot simply undo it. HR can still identify the problem, get it to the right officials and keep the employee informed.

HR should also explain which review or complaint procedures actually apply. To my knowledge, an ordinary position-classification appeal is not a way to challenge Schedule Policy/Career placement. Concerns about discrimination or retaliation should be directed to the appropriate complaint process, and employees should not be led to believe that informal discussions stop legal filing deadlines.

Good HR practice should leave room to correct a mistake and a proper, meaningful process could help promote the agency's best interest by reassuring employees who are losing some rights. Even where the law does not require a full response process, listening to the employee and considering the evidence can

help management make a better decision. Having fewer appeal rights is no reason for an agency to be less careful about getting the facts right. The September 18 proposal is not a final rule, so employees should not treat its proposed changes as settled.

Q: What are some important features of the guidance, both in June and recently, that employees should be aware of?

The June guidance makes a distinction that's easy to miss: keeping competitive status may help you qualify for another federal job, but it does not mean you keep the same protection against being fired from this one. The June 29 guidance recommends advance notice before most terminations, without restoring the usual removal procedures or appeal rights before the Merit Systems Protection Board.

But employees should not read that as meaning they're helpless. Agency policies may still provide procedures or protections worth using. Good managers and HR professionals can also insist on following policy and correcting mistakes, even where the law does not require the full process employees had before. A well-supported response explaining why the facts are wrong, the penalty is excessive or the employee remains an asset can still be persuasive.

Q: The new schedule does appear to take away some of the job protections that other civil servants have. What are you seeing, if anything yet, as far as the impact of those losses?

The clearest impact so far has been those strategic conversations. Some of our attorneys have spoken with agency counsel and made clear that we do not view reclassification as ending our clients' EEO rights. We're also prepared to press the whistleblower arguments available in each case. I would not tell an employee to give up on a persuasive response. Sometimes the agency has made a mistake, and presenting the evidence gives it a reason to reconsider.

Q: What are some best practices that you could recommend for employees currently navigating this new landscape?

Get the notice, your SF-50 personnel record and your position description. Find and lawfully keep copies of relevant agency policies, complaint procedures and information about established practices. You may be able to find those in materials already available to you. Going directly to HR may be appropriate, but it isn't always the necessary first step.

If you receive a proposed action, consider speaking with an attorney before assuming you have no options. A lawyer may identify an overlooked EEO issue, a policy the agency hasn't followed or evidence that could change the decision. And you can be trying to work things out informally while a filing deadline is still running.

Resources on **cyberFEDS®**:

- [Trump Administration Reform Roundup](#)
- [Quick Start Guide: Schedule Policy/Career in the Excepted Service \(formerly Schedule F\)](#)
- [Quick Start Guide: Federal Civil Service](#)
- [Quick Start Guide: Classification Appeals](#)
- [OPM: It's 'critical' that Schedule Policy/Career employees, applicants know the rules](#) (06/11/26)

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