

(4) Excepted Appointments

(a) Background

1 Positions are excepted from the competitive service by statute, Executive order, or civil service regulations. Schedule A, B, and C are basic listings of positions excepted by civil service regulation. Positions are excepted under Schedule A because of their examining impracticability, under Schedule B because of their competitive examining impracticability, and under Schedule C because of their confidential or policy determining character. Appropriation and other acts also provide for the appointment of some employees without regard to civil service regulations.

2 The Commission is responsible for determining when a position is properly excepted. Agencies may make excepted appointments to excepted positions, without prior approval of the Commission, when the positions are so specifically defined that they can easily and clearly be distinguished from positions in the competitive service. Agencies may not make excepted appointments, however, to positions with generic titles; e.g., consultant, expert, engineer, economist, and the like, without submission to the Commission for prior approval, unless the agency has reached an agreement with the Commission providing for appointment subject to postaudit. Whenever there is any doubt about the status of a position, it must be submitted to the Commission for prior approval.

3 Prior approval by the Commission is required for the classification of an "attorney" position under the classification law unless the position is clearly classifiable under the GS-905-0, General Attorney Series, or the GS-1222-0, Patent Attorney Series. In the case of positions which are not under the classification law, the Commission must specifically determine whether a position is in fact an attorney position. This is normally done after the position is filled. Detailed treatment of attorney positions is contained in appendix A, FPM chapter 213.

4 When prior approval of the Commission is not required, excepted appointments are subject to postaudit for propriety of the exception.

5 The agency has the authority to decide whether or not a person is qualified for an excepted position, except for Schedule B and supergrade positions. With Schedule B appointments, prior approval by the Commission is required, unless the Commission has delegated to the agency authority to apply Commission approved standards. The qualifications of applicants for all positions at the GS-16 through 18 levels, except in the rare cases cited in chapter 302 of the FPM, must receive prior approval by the Commission.