



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 20, 2020

Honorable Michael Rigas
Acting Director
U.S. Office of Personnel Management
Washington DC 20415

Dear Acting Director Rigas:

The Office of Management and Budget (OMB) requests OPM approval, under Executive Order (EO) 13957, to place the attached list of positions in Schedule F of excepted service. OMB has determined these positions are of a confidential, policy-determining, policy-making, or policy-advocating character and not normally subject to change as a result of a Presidential transition. The following is provided in support of our request:

The Office of Management and Budget is requesting this inclusion in Schedule F under Section 5 (c) of EO 13957 for positions that involve substantive participation in the advocacy for, development of, or formulation of policy.

In the attached documents, we list the official position titles, occupational series, grade levels, geographic locations, and number of positions.

In the attached documents, we also have described the factors demonstrating that the identified positions have duties of a policy-determining, policy-making, policy-advocating, or confidential nature which include, but are not limited to:

- substantive participation in the advocacy for or development or formulation of policy, especially:
 - substantive participation in the development or drafting of regulations and guidance; or
 - substantive policy-related work in an agency or agency component that primarily focuses on policy;
- the supervision of attorney positions; or
- substantial discretion to determine the manner in which the agency exercises functions committed to the agency by law;

- viewing, circulating, or otherwise working with proposed regulations, guidance, executive orders, or other non-public policy proposals or deliberations generally covered by deliberative process privilege and either:
 - directly reporting to or regularly working with an individual appointed by either the President or an agency head who is paid at a rate not less than that earned by employees at Grade 13 of the General Schedule; or
 - working in an agency or agency component executive secretariat (or equivalent); or
- conducting, on the agency's behalf, collective bargaining negotiations under chapter 71 of title 5, United States Code.

The enclosed documents contain this information.

Sincerely,



Russell T. Vought
Director

Enclosure

Program Examiner, PMF, 301, GS-12

Agency position description No.: RF00489 (PMF/Schedule D)

Geographical location of the position: Washington, DC

Number of positions: 9

Schedule F Criteria: Schedule F positions are those of a confidential, policy-determining, policy-making, or policy-advocating character. This position is:

- Policy-determining
- Policy-advocating
- Policy-making
- Confidential

Description of factors demonstrating the position fits the Schedule F criteria: As stated in the relevant position description, the position involves the following duties:

- “Develops and analyzes major policy issues, highlighting alternative approaches that might be taken to resolve problems, and makes and defends recommendations.”
- “Develops, reviews, and advises on the preparation of formal documents (e.g., Executive Orders, budget submissions, program/policy guidance, reports).”
- “Reviews, comments on, and assists with negotiations on policy issues.”
- Factors: “[R]epresents OMB in dealings and contacts with outside agencies, particularly with the staff of agency policy offices.”

Because the program examiner’s duties involve, among others, developing and analyzing major policy issues, making and defending recommendations, assisting with negotiations on policy issues, and because the position interacts with staff of agency policy offices, the position meets the element of “substantive participation in the advocacy for or development or formulation of policy” set forth in section 5(c)(i) of the E.O. Additionally, duties involve working with confidential information including Executive Orders, budget submissions, program/policy guidance, and reports, as well as other agency material “generally covered by deliberative process privilege” as described in the EO Section 5(c)(iv).

Title, Occupational Series, Pay Plan: USDS Deputy Administrator, SL-301-00

Agency position description No.: RF00691

Geographical location of the position: Washington, D.C.

Number of positions: 1

Schedule F Criteria: Schedule F positions are those of a confidential, policy-determining, policy-making, or policy-advocating character. This position is:

- Confidential
- Policy-making
- Policy-advocating

Description of factors demonstrating the position fits the Schedule F criteria: As stated in the relevant position description, the position:

- “The incumbent...is responsible for advising OMB Senior Leadership and White House Officials, up to and including OMB Director and Deputy Director for Management, and [White House] Deputy Chief of Staff...on technical approaches and the strategic delivery of government services through technology and design.”
- “The incumbent... serves as a technical advisor to policy officials in terms of the full spectrum of Federal digital services, including creation, transmission, use, transformation, interoperability, storage, sharing and safeguarding of government services through technology.”
- “[T]he incumbent serves as the principal liaison for a portfolio of federal agencies, including their leaders, staff, and other stakeholders who are responsible for digital services initiatives.”
- “Provides technology advice on policies, standards, and procedures for the full spectrum of Federal digital services including creation, transmission, use, transformation, interoperability, storage, sharing, and safeguarding digital services through technology.”
- “Facilitates discussion between agencies and the administration on strategic digital services programs and operational changes needed to modernize government services.”
- Advises the Administrator concerning future directions and strategic decisions regarding the use of digital services within and between Federal Government agencies and related services.”
- “The work is extremely sensitive due to the high level of complex and potentially controversial issues involved and the incumbent must exhibit discretion and tact with such issues and personnel.”
- “The work products or services (e.g., the employee’s advice, guidance or other results of the work) affects the work of other experts, the development of major aspects of administrative or professional programs or missions, the successful improvement of digital interactions between all citizens and business and the federal government.”
- “The incumbent works closely with key policy-making officials and senior leadership staff of OMB, the White House, Congress, and other federal agencies, serving as a technical advisor to such individuals.”

Because the Deputy USDS Administrator “[a]dvis[es] OMB Senior Leadership and White House Officials, up to and including OMB Director and Deputy Director for Management, and [White House] Deputy Chief of Staff...on technical approaches and the strategic delivery of government services through technology and design” and provides technical advice to the Administrator and “key policy making officials and senior leadership staff of OMB, the White House, Congress, and other

federal agencies” concerning “future directions and strategic decisions regarding the use of digital services within and between Federal Government agencies and related services,” his/her duties meet the criteria of “substantive participation in the advocacy for or development or formulation of policy” set forth in Sec. 5(c)(i) of the EO because advising senior policy officials such as the OMB Director, OMB Deputy Director for Management, and the USDS Administrator concerning future directions and strategic decisions regarding the use of digital services within and between Federal Government agencies constitute substantive (i.e., real or actual) participation in the development or formulation of policy concerning digital services across the Federal Government. Moreover, because the Deputy USDS Administrator advises the OMB Director, Deputy Director, and Administrator of USDS concerning future directions and strategic decisions regarding the use of digital services within and between Federal Government agencies and related services, and “[f]acilitates discussion between agencies and the administration on strategic digital services programs and operational changes needed to modernize government services,” including on “extremely sensitive matters,” his/her duties meet the criteria of “viewing, circulating, or otherwise working with... non-public policy proposal or deliberations generally covered by deliberative process privilege ” set forth in Sec. 5(c)(iv) of the EO because the Deputy USDS Administrator is advising and deliberating on sensitive, non-public matters generally covered by the deliberative process privilege concerning digital services within and across the Federal Government. The Deputy USDS Administrator advises OMB Senior Leadership and White House Officials, up to and including OMB Director and Deputy Director for Management, and White House Deputy Chief of Staff, and thus “regularly work[s] with [at least one] individual appointed by either the President or an agency head who is paid at a rate not less than earned by employees at Grade 13 of the General Schedule.”

Title, Occupational Series, Pay Plan: USDS Administrator, SL-301-00

Agency position description No.: RF00690

Geographical location of the position: Washington, D.C.

Number of positions: 1

Schedule F Criteria: Schedule F positions are those of a confidential, policy-determining, policy-making, or policy-advocating character. This position is:

- Confidential
- Policy-making
- Policy-advocating

Description of factors demonstrating the position fits the Schedule F criteria: As stated in the relevant position description, the position:

- “The incumbent is responsible for advising OMB Senior Leadership and White House Officials, up to and including OMB Director and Deputy Director for Management, and White House Deputy Chief of Staff on technical approaches and the strategic delivery of government services through technology and design.”
- “Serves as the technical authority and creator in the development and delivery for the full spectrum of Federal digital services. The incumbent is responsible for the creation, transmission, use, transformation, interoperability, storage, sharing and safeguarding of government services through technology. The incumbent also serves as the principal liaison for a portfolio of federal agencies, including their leaders, staff, and other stakeholders who are responsible for digital services initiatives.”
- Advises the OMB Deputy Director for Management and Federal Chief Information Officer concerning future directions and strategic decisions regarding the use of digital services within and between Federal Government agencies and related services.”
- “Provides technical assistance and advice to policy officials in terms of transforming critical information technology services to the American people. Implements sound digital service and investment practices at the USDS, in alignment with strategic policy, priorities and procedures.”

Because the USDS Administrator “[a]dvises the OMB Deputy Director for Management and Federal Chief Information Officer concerning future directions and strategic decisions regarding the use of digital services within and between Federal Government agencies and related services” and “[p]rovides...advice to policy officials in terms of transforming critical information technology services to the American people.” his/her duties meet the criteria of “substantive participation in the advocacy for or development or formulation of policy” set forth in Sec. 5(c)(i) of the EO because advising senior policy officials such as the OMB Deputy Director for Management and Federal Chief Information Officer concerning future directions and strategic decisions regarding the use of digital services within and between Federal Government agencies and providing advice to policy officials in terms of transforming critical information technology services to the American people constitute substantive (i.e., real or actual) participation in the development or formulation of policy concerning digital services across the Federal Government and information technology services to the American people. Moreover, because the USDS Administrator is “responsible for the creation, transmission, use...sharing and safeguarding of government services through technology,” “[a]dvises the OMB Deputy Director for Management and Federal Chief Information Officer concerning future directions

and strategic decisions regarding the use of digital services within and between Federal Government agencies and related services,” and “[p]rovides technical assistance and advice to policy officials in terms of transforming critical information technology services to the American people” his/her duties meet the criteria of “viewing, circulating, or otherwise working with... non-public policy proposal or deliberations generally covered by deliberative process privilege ” set forth in Sec. 5(c)(iv) of the EO because the USDS Administrator is advising on sensitive, non-public matters generally covered by the deliberative process privilege concerning digital services within and across the Federal Government and critical information technology services to the American people. The USDS Administrator advises OMB Senior Leadership and White House Officials, up to and including OMB Director and Deputy Director for Management, and White House Deputy Chief of Staff, and thus “regularly work[s] with [at least one] individual appointed by either the President or an agency head who is paid at a rate not less than earned by employees at Grade 13 of the General Schedule.”

Title, Occupational Series, Pay Plan: Economist, 110, GS-15

Agency position description No.: RF00064

Geographical location of the position: Washington, DC

Number of positions: 2

Schedule F Criteria: Schedule F positions are those of a confidential, policy-determining, policy-making, or policy-advocating character. This position is:

- Confidential
- Policy-advocating

Description of factors demonstrating the position fits the Schedule F criteria: As stated in the relevant position description, the position:

- “Critiques materials for consideration by the Cabinet-level Economic Policy Council and the Domestic Policy Council. Reviews legislation, testimony, and speeches for delivery by the President, Vice President, OMB Director and other Administration spokespersons.”
- “The incumbent’s work is used directly by OMB officials and the Director to make policy decisions.”
- “[D]iscreetly addresses and completes sensitive assignments.”
- “Within OMB, contacts are with staff at all levels, including high level officials. Other contacts are with the senior staffs of the EOP, the Department of Treasury, the Federal Reserve, and the private sector.”
- “Contacts may secure or provide expert factual and analytical information on diverse policy topics or emerging issues and may include justifying, defending, or explaining complicated and controversial issues. Format of contacts includes formal and informal meetings, briefings, and discussions where the incumbent prepares for active participation (including the lead role) and must be thoroughly informed, able to persuade and to listen, and able to integrate often diverse participant positions to yield a constructive product or result.”

The economist’s duties involve, among other things, providing work product used directly by OMB officials and the Director to make policy decisions; providing expert factual and analytical information on diverse policy topics or emerging issues, including justifying, defending, or explaining complicated and controversial issues; and actively participating in or leading meetings, briefings, and discussions to persuade and integrate diverse participant positions to yield a constructive product or result. His/her duties meet the criteria of “substantive participation in the advocacy for or development or formulation of policy” set forth in Sec. 5(c)(i) of the EO because providing work product used directly to make policy decisions; providing information on diverse policy topics or emerging issues, including justifying, defending, or explaining complicated and controversial issues; and actively participating in or leading meetings, briefings, and discussions to persuade and integrate diverse positions involve substantive policy-related work, and these duties are carried out on behalf of OMB and the EOP, agencies that primarily focus on policy, as set forth in Sec. 5(c)(i)(B) of the EO.

Additionally, his/her duties meet the criteria of “viewing, circulating, or otherwise working with . . . non-public policy proposals” set forth in Sec. 5(c)(iv) of the EO because review and evaluation of materials for consideration by the Cabinet-level Economic Policy Council and the Domestic Policy Council, as well as legislation, testimony, and speeches for delivery by the President, Vice President, OMB Director

and other Administration spokespersons, necessarily involves viewing, circulating or otherwise working with non-public policy proposals, and he/she also regularly works with high-level officials and senior staff in OMB, the EOP, and other Federal agencies, which would include individuals "appointed by either the President or an agency head who [are] paid at a rate not less than that earned by employees at Grade 13 of the General Schedule" as set forth in Sec. 5(c)(iv)(A) of the EO.

Title, Occupational Series, Pay Plan: Senior Evidence Analyst, 301, GS-15

Agency position description No.: RF00249

Geographical location of the position: Washington, DC

Number of positions: 3

Schedule F Criteria: Schedule F positions are those of a confidential, policy-determining, policy-making, or policy-advocating character. This position is:

- Policy-determining
- Policy-making

Description of factors demonstrating the position fits the Schedule F criteria: As stated in the relevant position description, the position:

- “Manages, in coordination with other OMB components, the planning, design, review, and implementation of evaluation and evidence-related policy initiatives for assigned policy areas.”
- “Leads the development and implementation of government-wide guidance to agencies on how to support the use of evidence in policy making and program implementation..”
- “Resolves major policy issues and renders advice and assistance in administration of operating guidelines, coordination of the office’s efforts with other internal activities, and in communicating policies and priorities.”

Because the senior evidence analyst’s duties involve managing the planning, design, review and implementation of evaluation and evidence-related policy initiatives, his/her duties meet the criteria of “substantive participation in the advocacy for or development or formulation of policy” set forth in Sec. 4(c)(i) of the EO.

Title, Occupational Series, Pay Plan: Procurement Analyst, 1102, GS-14

Agency position description No.: RF00560

Geographical location of the position: Washington, DC

Number of positions: 1

Schedule F Criteria: Schedule F positions are those of a confidential, policy-determining, policy-making, or policy-advocating character. This position is:

- Confidential
- Policy-determining
- Policy-making
- Policy-advocating

Description of factors demonstrating the position fits the Schedule F criteria: As stated in the relevant position description, the position:

- “Provides leadership and professional management direction to develop Government-wide procurement policy”
- “Oversees implementation of procurement policy and procedures.”
- “Determines the adequacy of existing policy and recommends additional policy and/or legislative changes needed to remedy problems, reviews legislation proposed by agencies for conformance with OFPP policy and makes recommendations.”

Because the procurement analyst’s duties involve, among other things, managing oversight of procurement policy for designated departments or agencies and coordinating Federal procurement law, policies and practices, his/her duties meet the criteria of “substantive participation in the advocacy for or development or formulation of policy” set forth in Sec. 4(c)(i) of the EO because managing oversight of Government-wide procurement policy is substantive policy-related work in an agency or agency component that primarily focuses on policy.

Title, Occupational Series, Pay Plan: Budget Information Management Specialist, 560, GS-15

Agency position description No.: RF198.4230

Geographical location of the position: Washington, DC

Number of positions: 1

Schedule F Criteria: Schedule F positions are those of a confidential, policy-determining, policy-making, or policy-advocating character. This position is:

- Confidential

Description of factors demonstrating the position fits the Schedule F criteria: As stated in the relevant position description, the position:

- “Prepares a wide variety of materials supporting the President’s Budget and alternative budget proposals.”
- “Coordinates, reviews, and analyzes budget estimates including the Administration’s public estimates, internal OMB estimates and those of the Congressional Budget Office.”
- “Receives, reviews, and recommends approval, disapproval, or modification of budget report documents and the data base.”
- “Within the Office, contacts are with staff at all levels, including the Director, Deputy Director, Executive and Program Associate Directors, and Assistant Directors.”

The budget information management specialist’s duties involve, among other things, coordinating, reviewing, and analyzing budget estimates, including internal OMB estimates, and receiving, reviewing, and recommending approval, disapproval, or modification of budget report documents. His/her duties meet the criteria of “viewing, circulating, or otherwise working with . . . non-public policy proposals” set forth in Sec. 5(c)(iv) of the EO because coordinating, reviewing, and analyzing budget estimates, including internal OMB estimates, and receiving, reviewing, and recommending approval, disapproval, or modification of budget report documents necessarily involve viewing, circulating or otherwise working with non-public policy proposals. He/she also regularly works with the Director, Deputy Director, Executive and Program Associate Directors, and Assistant Directors, all of whom are individuals “appointed by either the President or an agency head who [are] paid at a rate not less than that earned by employees at Grade 13 of the General Schedule” as set forth in Sec. 5(c)(iv)(A) of the EO.

Title, Occupational Series, Pay Plan: Office Manager, 0303, GS-10

Agency position description No.: RF00031

Geographical location of the position: Washington, DC

Number of positions: 1

Schedule F Criteria: Schedule F positions are those of a confidential, policy-determining, policy-making, or policy-advocating character. This position is:

- Confidential

Description of factors demonstrating the position fits the Schedule F criteria: As stated in the relevant position description, the position:

- “Coordinates among the Division/Office’s work unit(s) responses to a wide variety of budget review, legislative review, management, regulatory, policy, and other regularly occurring exercises. . . . Evaluates work unit submissions for adequacy, consistency, and adherence to prescribed administrative requirements and consolidates responses.”
- “Receives, reads, and summarizes incoming correspondence, reports and inquiries.”
- “The work frequently requires coordinating information gathered from the component work units of the Division/Office in order to develop a consolidated Division/Office response or end product. Typically, end products are developed for the use of the Director, Program Associate Director, and other OMB policy officials, for transmittal to the Congress, or for action by the President.”
- “Frequently, the employee prepares materials that are time sensitive and that receive high visibility in congressional, White House, and senior level OMB arenas, due to the policy content of the end product.”

The office manager’s duties involve, among other things, coordinating and consolidating responses to a wide variety of budget review, legislative review, management, regulatory, policy, and other regularly occurring exercises and evaluating those responses for adequacy, consistency, and adherence to prescribed administrative requirements; coordinating information gathered from component work units in order to develop consolidated responses or end products typically for the use of the Director, Program Associate Director, and other OMB policy officials, for transmittal to the Congress, or for action by the President. His/her duties meet the criteria of “viewing, circulating, or otherwise working with . . . non-public policy proposals or deliberations generally covered by deliberative process privilege,” including policy and other materials prepared for OMB policy officials, Congress, and the President, bringing it within the parameters of the roles prioritized for review in EO Section 5(c)(iv). Preparing and coordinating materials “for the use of the Director, Program Associate Director, and other OMB policy officials, for transmittal to the Congress, or for action by the President” may constitute “working with an individual appointed by either the President or an agency head,” as described for prioritization in Section 5(c)(iv). Even if it did not, the nature of the position entails regularly working with predecisional and deliberative materials of the agency and the Executive Office of the President, including materials “that receive high visibility in congressional, White House, and senior level OMB arenas, due to the policy content,” and therefore the position is confidential in nature.

Title, Occupational Series, Pay Plan: Budget Preparation Specialist, 0303, GS-15

Agency position description No.: RF163, RF129, RF018

Geographical location of the position: Washington, DC

Number of positions: 1

Schedule F Criteria: Schedule F positions are those of a confidential, policy-determining, policy-making, or policy-advocating character. This position is:

- Policy-making
- Policy-advocating

Description of factors demonstrating the position fits the Schedule F criteria: As stated in the relevant position description, the position:

- Is “responsible for initiating, and assisting in the development of, guidelines to be used by the OMB staff and the agencies in meeting the requirements of budget preparation.”
- “[C]ontributes to the formulation and administration of the President’s budget.”
- Requires “preparing technically accurate and conceptually sound budgetary materials, including the annual budget and the public updates.”

The budget preparation specialist’s duties involve, among other things, initiating, and assisting in the development of, guidelines to be used by the OMB staff and the agencies in meeting the requirements of budget preparation, as well as contributing to the formulation and administration of the President’s budget through the preparation of technically accurate and conceptually sound budgetary materials. His/her duties meet the criteria of “substantive participation in the development or drafting of . . . guidance” or “substantive policy-related work in an agency or agency component that primarily focuses on policy” set forth in Sec. 5(c)(i) of the EO because initiating, and assisting in the development of, guidelines to be used by the OMB staff and the agencies involves substantive participation in the development of guidance, as set forth in Sec. 5(c)(i)(A) of the EO. Furthermore, contributing to the formulation and administration of the President’s budget may involve substantive policy-related work in OMB’s Budget Review Division, an agency component that primarily focuses on policy, as set forth in Sec. 5(c)(i)(B) of the EO.

Title, Occupational Series, Pay Plan: Economist, 110, GS-11

Agency position description No.: RF00060

Geographical location of the position: Washington, DC

Number of positions: 0

Schedule F Criteria: Schedule F positions are those of a confidential, policy-determining, policy-making, or policy-advocating character. This position is:

- Policy-making
- Policy-advocating

Description of factors demonstrating the position fits the Schedule F criteria: As stated in the relevant position description, the position:

- “Develops assumptions for budget documents and analyzes financial and credit markets and conducts special analysis and studies of fiscal data requested by the President, members of the Congress, officials of OMB and the public.”
- “Consults and advises staff members of the Treasury, Federal Reserve, Congressional Committees and Congressional Budget Office on the changes in major budget estimates that accompany given changes in the composition and total of national income or product.”
- “[P]repares projections and analysis of the State and local sectors and the effects of Federal policies on these sectors.”
- “Analyzes financial markets and Federal credit policies and prepares economic assumptions for budget estimates and prepares special analyses and studies of fiscal data requested by the Congress, OMB officials and the public.”

The economist’s duties involve, among other things, developing assumptions for budget documents, analyzing financial and credit markets, and conducting special analysis and studies of fiscal data requested by the President and officials of OMB; consulting and advising staff at Treasury and the Federal Reserve, as well as Congressional Committees and CBO, on the changes in major budget estimates that accompany changes in national income or product; and preparing projections and analysis of the effects of Federal policies on the State and local sectors. His/her duties meet the criteria of “substantive participation in the advocacy for or development or formulation of policy” set forth in Sec. 5(c)(i) of the EO because developing budget assumptions and conducting special analysis and studies of fiscal data requested by the President and officials of OMB; consulting and advising staff at Treasury and the Federal Reserve on changes in major budget estimates that accompany changes in national income or product; and preparing projections and analysis of the effects of Federal policies on the State and local sectors involve substantive policy-related work, as set forth in Sec. 5(c)(i)(A)/(B) of the EO. Furthermore, these duties are performed on behalf of OMB, an agency that primarily focuses on policy, as set forth in Sec. 5(c)(i)(B) of the EO.

Program Examiner, 0301, GS-15

Agency position description No.: RF023

Geographical location of the position: Washington, DC

Number of positions: 5

Schedule F Criteria: Schedule F positions are those of a confidential, policy-determining, policy-making, or policy-advocating character. This position is:

- Policy-determining
- Policy-advocating
- Policy-making
- Confidential

Description of factors demonstrating the position fits the Schedule F criteria: As stated in the relevant position description, the position involves the following duties:

- “Develops and analyzes major policy issues, highlighting alternative approaches that might be taken to resolve problems, and makes and defends recommendations.”
- “Develops, reviews, and advises on the preparation of formal documents (e.g., Executive Orders, budget submissions, program/policy guidance, reports).”
- “Reviews, comments on, and leads negotiations on policy issues.”

In addition, “the incumbent must function independently with minimal guidelines and with issues for which precedents may be few or lacking. Considerable expertise and judgment are required in interpreting and adapting existing guidelines and in developing new or enhanced approaches to difficult issues,” as described in the Factors for the position.

Because the program examiner’s duties involve, among others, developing and analyzing major policy issues, making and defending recommendations, and commenting on and participating in negotiations on policy issues, and because the position requires significant independence and judgment, the position meets the element of “substantive participation in the advocacy for or development or formulation of policy” set forth in section 5(c)(i) of the E.O. Additionally, duties involve working with confidential information including Executive Orders, budget submissions, program/policy guidance, and reports, as well as other agency material “generally covered by deliberative process privilege” as described in the EO Section 5(c)(iv).

Title, Occupational Series, Pay Plan: General Attorney, 905, GS-14

Agency position description No.: RF00554

Geographical location of the position: Washington, DC

Number of positions: 1

Schedule F Criteria: Schedule F positions are those of a confidential, policy-determining, policy-making, or policy-advocating character. This position is:

- Confidential
- Policy-determining
- Policy-making
- Policy-advocating

Description of factors demonstrating the position fits the Schedule F criteria: As stated in the relevant position description, the position:

- “Serves as the Associate General Counsel for the Office of Management and Budget (OMB) on legal and policy matters affecting the agency. Duties require an extensive knowledge of the General Counsel’s policies, views, and special interests.”
- “[S]erves as a close personal assistant to the General Counsel and as such, must be a person in whom the General Counsel has complete trust and confidence.”
- “[H]as continual access to highly sensitive information in carrying out these duties, and must be responsive to the General Counsel’s guidance with respect to maintaining the confidentiality as well as the effectiveness of the work.”
- “Participates in major discussions and negotiations on the legality, substance, policy implications, and format of Executive Orders and Proclamations and other documents related to policy and law, organization and management. Determines and asserts the Director’s position, and approves changes and content of Executive Orders and proclamations and other documents related to policy and law.”
- Knowledge required: “Ability to act as adviser and counsel to high level officials of OMB, the White House, and officials of the executive departments and agencies, often under extreme time pressures.”
- Supervisor controls: “[W]orks independently in assigned areas. Overall assignments are made in terms of broadly defined function of the organization. The incumbent may often initiate projects or projects frequently originate out of the liaison activities of the incumbent, who independently negotiates the scope and objectives of projects with the General Counsel and staff.”
- Purpose of contacts: “Contacts are made to secure or provide information on diverse and emerging legal issues and may include justifying, defending, negotiating or explaining sensitive, complex and controversial issues.

Because the general attorney’s duties involve, among other things, working not only on legal but also policy matters affecting the agency, and participating in discussions and negotiations on law and policy matters including approving the content of EOs, Presidential proclamations, and other documents related to policy and law, the position includes “substantive participation in the advocacy for or development or formulation of policy” and “viewing, circulating, or otherwise working with proposed regulations, guidance, executive orders, or other non-public policy proposals or deliberations generally covered by deliberative process privilege” as described in the EO Section 5(c)(i), (iv). Moreover, the position

involves working closely with the General Counsel, a senior political appointee within OMB and the EOP. And, it involves working with sensitive information including “executive orders, or other non-public policy proposals or deliberations generally covered by deliberative process privilege” as in Section 5(c)(iv).

Title, Occupational Series, Pay Plan: Policy Analyst, 0301, GS-12

Agency position description No.: RF00576

Geographical location of the position: Washington, D.C.

Number of positions: 0

Schedule F Criteria: Schedule F positions are those of a confidential, policy-determining, policy-making, or policy-advocating character. This position is:

- Confidential
- Policy-making
- Policy-advocating

Description of factors demonstrating the position fits the Schedule F criteria: As stated in the relevant position description, the position:

- “The incumbent will ... provid[e] expert advice and assistance on a diverse array of policy issues, building a supporting rationale and providing the analytic basis for major OMB and/or Presidential policy decisions.”
- “Assists with OIRA efforts regarding the development and oversight of policies which govern the conduct of Federal regulatory programs”
- “Provides assistance and advisory services to the Administrator, OIRA, and manages OIRA efforts in the areas of regulatory action, regulatory impact analysis...”
- “Coordinates interagency policy development processes [and] builds multi-stakeholder consensus to achieve broadly accepted recommendations; oversees project plans for government-wide implementation of new policy.”
- “Contacts are with all levels of staff within OMB and high-ranking officials such as other agency heads, top congressional staff officials, and senior political staff.”

Because the policy analyst coordinates interagency policy development processes and assists with OIRA efforts regarding the development and oversight of policies governing the conduct of Federal regulatory programs and providing the analytic basis for major OMB and/or Presidential policy decisions through expert advice and assistance, his/her duties meet the criteria of “substantive participation in the advocacy for or development or formulation of policy” set forth in Sec. 5(c)(i) of the EO because coordinating interagency policy development processes and assisting OIRA efforts regarding the development of policies governing Federal regulatory programs and providing the analytic basis for major OMB and/or Presidential policy decisions through expert advice and assistance constitute substantive (i.e., real or actual) participation in the development or formulation of policy. Moreover, because the policy analyst’s duties involve, among other things, managing OIRA efforts in the areas of regulatory policy and regulatory impact analysis, his/her duties meet the criteria of “viewing, circulating, or otherwise working with proposed regulations” set forth in Sec. 5(c)(iv) of the EO because managing OIRA efforts in the areas of regulatory policy and regulatory impact analysis necessarily involve viewing, circulating or otherwise working with proposed regulations. The policy analyst “provides assistance to the OIRA Administrator and maintains contacts with OMB staff at all levels, including the Director and Deputy Director, and with other high-level officials such as other agency heads, top congressional staff officials, and senior political staff, and thus “regularly work[s] with [at least one] individual appointed by either the President or an agency head who is paid at a rate not less than earned by employees at Grade 13 of the General Schedule.”

Title, Occupational Series, Pay Plan: Support Services Specialist, 342, GS-12

Agency position description No.: RF00699

Geographical location of the position: Washington, D.C.

Number of positions: 1

Schedule F Criteria: Schedule F positions are those of a confidential, policy-determining, policy-making, or policy-advocating character. This position is:

- Confidential

Description of factors demonstrating the position fits the Schedule F criteria: As stated in the relevant position description, the position:

- “Assists in coordinating policies, plans, and operations and ensures customer support processes are documented, standardized, repeatable, and auditable.”
- “Provides technical and administrative advice on efficiency and modern utilization of all OMB occupied spaces. Develops and recommends alternatives for future development, modernization, renovation, construction, and space utilization for OMB occupied spaces to the Director, OSS in addition to other key OMB career-executives.”
- “Serves as a Contracting Officer Representative (COR) for various support services contracts...”
- “Serves as Lead Purchasing Agent for coordinating the procurement of services, construction, equipment, printing, and other related supplies and services in accordance with applicable Federal regulations, policies, and procedures. Confers with divisions regarding requirements, specifications, quantity, quality and delivery.”
- “Prepares and maintains records on solicitations, responses, purchases, contracts, correspondences and related follow-up.”
- “Coordinates as needed with OMB leadership and senior White House Management officials to address support services issues.”
- “Coordinate visitor and worker access control for OMB and ensures proper vetting and clearing of visitors and workers processes comply with applicable standards and policies set forth by the United States Secret Service and White House Management.”
- “Incumbent must be able to obtain and maintain a Top Secret security clearance.”

Because the incumbent’s duties involve, among other things, “[p]repar[ing] and maintain[ing] records on solicitations, responses, purchases, contracts, correspondences and related follow-up” in his/her capacity as Contracting Officer Representative and/or Lead Purchasing Agent and “[c]oordinat[ing] visitor and worker access control for OMB and ensur[ing] proper vetting and clearing of visitors and workers processes comply with applicable standards and policies set forth by the United States Secret Service and White House Management,” his/her duties meet the criteria of “... otherwise working with... non-public policy proposals or deliberations generally covered by deliberative process privilege” set forth in Sec. 5(c)(iv) of the EO because preparing and maintaining non-public, sensitive records on solicitations, responses, purchases, contracts, and correspondences and coordinating visitor and worker access control for OMB and ensuring proper vetting and clearing of visitors and workers processes comply with applicable standards and policies set forth by the United States Secret Service and White House Management constitutes “working with... non-public policy proposals or deliberations generally covered by deliberative process privilege.” Moreover, in light of the sensitive nature of incumbent’s duties, he/she is required to obtain and maintain a Top Secret Security clearance. The incumbent’s duties involve

“[c]oordinat[ing] as needed with OMB leadership and senior White House Management officials to address support services issues,” and thus the he/she “regularly work[s] with [at least one] individual appointed by either the President or an agency head who is paid at a rate not less than earned by employees at Grade 13 of the General Schedule.”

Title, Occupational Series, Pay Plan: Budget Information Support Manager, 0301, GS-15

Agency position description No.: RF00507

Geographical location of the position: Washington, D.C.

Number of positions: 1

Schedule F Criteria: Schedule F positions are those of a confidential, policy-determining, policy-making, or policy-advocating character. This position is:

- Confidential
- Policy-advocating

Description of factors demonstrating the position fits the Schedule F criteria: As stated in the relevant position description, the position:

- “The incumbent performs a range technical and analytical duties associated with the operations and maintenance of the MAX computer systems as well as managing a team of contractors who are responsible for building, maintaining and providing user support for various large-scale data collection exercises. These exercises support OMB’s budget data collection as well as Shared Services partner activities.”
- “Incumbent performs a broad range of functions and processes that are essential to the production of the President’s Budget and related activities in support of OMB’s Budget Formulation, Budget Execution and Apportionment processes.”
- “Incumbent coordinates with the Branch Chief and the MAX Security Team to develop and enforce security policies.”
- “Serves as a member of the MAX Procurement Team, which oversees all contracting and procurement-related activities for MAX. Participates in development of contracting plans and statements of work, and in proposal evaluation as well as Contracting Officer’s Representative (COR), overseeing day-to-day activities for one or more MAX contracts.”
- “Ability to effectively build working relationship at the highest levels within OMB, with other Federal agencies, the Legislative and Judicial Branches, State, Local, Tribal and Foreign governments, and private sector groups.”
- “Professional contacts are with other BRD staff and managers; OMB and other White House staff and managers, including high-level senior policy officials..”

Because the incumbent is involved in “develop[ing] and enforce[ing] security policies” associated with the MAX system in support of OMB’s budget formulation, budget execution and apportionment processes, his/her duties meet the criteria of “substantive participation in the advocacy for or development or formulation of policy” set forth in Sec. 5(c)(1) of the EO because developing and enforcing security policies associated with the MAX system in support of OMB’s budget formulation, budget execution and apportionment processes constitutes substantive (i.e., real or actual) participation in the development or formulation of policy with respect to the MAX system. Moreover, because incumbent’s duties involve, among other things, “oversee[ing] all contracting and procurement-related activities for MAX” and “[p]articipat[ing] in [the] development of contracting plans and statements of work, and in proposal evaluation as well as Contracting Officer’s Representative (COR), [and] overseeing day-to-day activities for one or more MAX contracts,” his/her duties meet the criteria of “... working with... non-public policy proposals or deliberations generally covered by deliberative process privilege” set forth in Sec. 5(c)(iv) of the EO because overseeing all contracting and procurement-related activities for MAX and participating

in the development of non-public and sensitive contracting plans and statements of work involve “working with...non-public policy proposals or deliberations generally covered by deliberative process privilege.” The IT specialist maintains contacts that include “high-level senior policy officials” of OMB and the White House, and thus the incumbent “regularly work[s] with [at least one] individual appointed by either the President or an agency head who is paid at a rate not less than earned by employees at Grade 13 of the General Schedule.”

Title, Occupational Series, Pay Plan: Management Analyst, 0343, GS-15

Agency position description No.: RF00116

Geographical location of the position: Washington, D.C.

Number of positions: 1

Schedule F Criteria: Schedule F positions are those of a confidential, policy-determining, policy-making, or policy-advocating character. This position is:

- Confidential
- Policy-advocating

Description of factors demonstrating the position fits the Schedule F criteria: As stated in the relevant position description, the position:

- “Develops and recommends strategies to improve the value and effectiveness of management systems, program operations, mid-range and strategic planning, and program evaluation for internal OMB administrative and management issues.”
- “Responsible for analyzing workload trends and indicators for use by OMB’s senior management officials in making decisions about the allocation of OMB’s resources.”
- “Develops and analyzes major administrative policy issues, highlighting alternative approaches that might be taken to resolve problems, and makes and defends recommendations. Assists OMB officials with strategic planning for administrative and management matters.”
- “Contacts are made with the OMB staff at all levels...Other contacts are with officials and staffs of the EOP and staff of other Federal agencies.”

Because the incumbent “[d]evelops and analyzes major administrative policy issues,” his/her duties meet the criteria of “substantive participation in the advocacy for or development or formulation of policy” set forth in Sec. 5(c)(i) of the EO developing and analyzing major administrative policy issues constitutes substantive (i.e., real or actual) participation in the advocacy for or development or formulation of policy. Moreover, because the incumbent’s duties involve, among other things, developing and analyzing major administrative policies issues, and deliberating with other Executive Branch employees and officials with respect to such non-public, predecisional issues, his/her duties meet the criteria of “viewing, circulating, or otherwise working with non-public policy proposals or deliberations” set forth in Sec. 5(c)(iv) of the EO. The incumbent must maintain contacts with “OMB staff at all levels” as well as with “officials and staff of the EOP,” and thus “regularly work[s] with [at least one] individual appointed by either the President or an agency head who is paid at a rate not less than earned by employees at Grade 13 of the General Schedule.”

Title, Occupational Series, Pay Plan: Policy Analyst, 0301, GS-12

Agency position description No.: RF00589

Geographical location of the position: Washington, D.C.

Number of positions: 1

Schedule F Criteria: Schedule F positions are those of a confidential, policy-determining, policy-making, or policy-advocating character. This position is:

- Confidential
- Policy-determining
- Policy-making
- Policy-advocating

Description of factors demonstrating the position fits the Schedule F criteria: As stated in the relevant position description, the position:

- “The employee serves as a Government-wide resource on a variety of issues and as a policy advisory to assigned departments and agencies.”
- “Reviews, analyzes, and evaluates federal acquisition laws, regulations, and policies in order to develop draft policy documents and other guidance...”
- “Collaborates with a wide variety of stakeholders to understand and integrate stakeholder positions into policies.”
- “Provides guidance with clear supporting analysis to senior OFPP and OMB officials.”
- “Oversee implementation of the Administration’s policy by the department and agencies in appropriate regulations and other policy documents.”
- “Serve as the focal point within OMB and OFPP for all policy issues pertaining to assigned agencies.”
- “Contacts are with senior officials throughout the executive branch, and staffs of Congress and the GAO...”

Because the policy analyst “[o]versees implementation of the Administration’s policy by the department and agencies in appropriate regulations and other policy documents” and “[s]erve[s] as the focal point within OMB and OFPP for all policy issues pertaining to assigned agencies,” his/her duties meet the criteria of “substantive participation in the advocacy for or development or formulation of policy” set forth in Sec. 5(c)(i) of the EO because overseeing the implementation of the Administration’s policy by the department and agencies in appropriate regulations and other policy documents and serving as the focal point within OMB and OFPP for all policy issues pertaining to assigned agencies constitute substantive (i.e., real or actual) participation in the development or formulation of policy. Moreover, because the policy analyst’s duties involve, among other things, “[r]eview[ing], analyz[ing], and evaluat[ing] federal acquisition laws, regulations, and policies in order to develop draft policy documents and other guidance,” his/her duties meet the criteria of “viewing, circulating, or otherwise working with proposed regulations...or other non-public policy proposals or deliberations” set forth in Sec. 5(c)(iv) of the EO. The policy analyst “[p]rovides guidance with clear supporting analysis to senior OFPP and OMB officials” and maintains contacts with “with senior officials throughout the executive branch,” and thus “regularly work[s] with [at least one] individual appointed by either the President or an agency head who is paid at a rate not less than earned by employees at Grade 13 of the General Schedule.”

Title, Occupational Series, Pay Plan: Human Capital Specialist, 301, GS-14

Agency position description No.: RF00269

Geographical location of the position: Washington, D.C.

Number of positions: 1

Schedule F Criteria: Schedule F positions are those of a confidential, policy-determining, policy-making, or policy-advocating character. This position is:

- Policy-making
- Policy-advocating
- Confidential

Description of factors demonstrating the position fits the Schedule F criteria: As stated in the relevant position description, the position:

- “The incumbent provide assistance to OMB leadership in all aspects of human capital management, including reviewing and recommending organization alternatives to enhance OMB's performance in the crucial area of human resources management.”
- “Assists in the development, implementation and monitoring of programs that promote diversity and inclusion.”
- “Develops policies and programs to attract, retain, and promote a diverse workforce for OMB.”
- “Provides expert advice and assistance to OMB leadership and staff on actions affecting the human resource element of OMB.”
- “Works with OMB managers to implement personnel policies: recruitment and placement, personnel reassignments, and position management.”
- “Expertise and judgment are required in interpreting and adapting guidelines and in developing new or enhanced approaches to difficult and sensitive human resources issues.”
- “The incumbent actively participates in or directly conducts the full range of aspects of human resources management, and makes recommendations on personnel matters to OMB staff.”
- “Contacts are made with OMB staff at all levels...Other contacts are with officials and staffs of the Executive Office of the President, and staff of other federal agencies.
- “Incumbent must be able to obtain and maintain a Top Secret security clearance.”

Because incumbent “[a]ssists in the development, implementation and monitoring of programs that promote diversity and inclusion” and “[d]evelops policies and programs to attract, retain, and promote a diverse workforce for OMB.” his/her duties meet the criteria of “substantive participation in the advocacy for or development or formulation of policy” set forth in Sec. 5(c)(i) of the EO because assisting in the development, implementation and monitoring of programs that promote diversity and inclusion and developing policies and programs to attract, retain, and promote a diverse workforce for OMB constitute substantive (i.e., real or actual) participation in the development or formulation of such human resource-related policies. Moreover, because the incumbent’s duties involve, among other things, “actively participat[ing] in or directly conduct[ing] the full range of aspects of human resources management, and mak[ing] recommendations on personnel matters to OMB staff” and “[w]ork[ing] with OMB managers to implement personnel policies,” his/her duties constitute “working with...non-public policy proposals or deliberations generally covered by deliberative

process privilege" set forth in Sec. 5(c)(iv) of the EO because actively participating in or directly conducting the full range of aspects of human resources management, making recommendations on sensitive personnel matters to OMB staff, and working with OMB managers to implement personnel policies constitute "working with...non-public policy proposals or deliberations generally covered by deliberative process privilege." Moreover, in light of the sensitive nature of the incumbent's duties, he/she is required "to obtain and maintain a Top Secret security clearance." The incumbent maintains contacts with "OMB staff at all levels" and "with officials and staffs of the Executive Office of the President, and staff of other federal agencies," and thus the incumbent "regularly work[s] with [at least one] individual appointed by either the President or an agency head who is paid at a rate not less than earned by employees at Grade 13 of the General Schedule."

Title, Occupational Series, Pay Plan: IT Specialist (DATAMGT), 2210, GS-15

Agency position description No.: RF00027

Geographical location of the position: Washington, D.C.

Number of positions: 1

Schedule F Criteria: Schedule F positions are those of a confidential, policy-determining, policy-making, or policy-advocating character. This position is:

- Confidential
- Policy-making
- Policy-advocating

Description of factors demonstrating the position fits the Schedule F criteria: As stated in the relevant position description, the position:

- “The incumbent performs a range of complex analytical and management duties associated with the planning, development, implementation, and administration of data in the MAX database environment...which is used by all Federal agencies for preparation of the President’s budget and associated legally required updates, as well as for a wide variety of budget collection and decision support related tasks performed by OMB.”
- “Develops standard, policies, and procedures for MAX database environment.”
- “Personal contacts may also include high-level officials within the EOP and from other agencies.”

Because the IT specialist “performs a range of complex analytical and management duties associated with the planning, development, implementation, and administration of data in the MAX database environment...which is used by all Federal agencies for preparation of the President’s budget and associated legally required updates, as well as for a wide variety of budget collection and decision support related tasks performed by OMB” and “[d]evelops standard, policies, and procedures for [the] MAX database environment,” his/her duties meet the criteria of “substantive participation in the advocacy for or development or formulation of policy” set forth in Sec. 5(c)(i) of the EO because performing duties associated with the planning, development, implementation, and administration of data in the MAX database environment and developing policies for that MAX database environment constitute substantive (i.e., real or actual) participation in the development or formulation of policy with respect to the MAX database environment. Moreover, because incumbent’s duties involve, among other things, working on matters of a sensitive nature within the Executive Office of the President, including “the planning, development, implementation, and administration of data in the MAX database environment...which is used by all Federal agencies for preparation of the President’s budget and associated legally required updates, as well as for a wide variety of budget collection and decision support related tasks performed by OMB,” his/her duties meet the criteria of “... working with...non-public policy proposals or deliberations generally covered by deliberative process privilege” set forth in Sec. 5(c)(iv) of the EO because planning for, developing, implementing, and administering sensitive EOP data in the MAX database environment involves “working with...non-public policy proposals or deliberations generally covered by deliberative process privilege.” The IT specialist maintains contacts that “include high-level officials within the EOP and from other agencies,” and thus the incumbent “regularly work[s] with [at least one] individual appointed by either the President or an agency head who is paid at a rate not less than earned by employees at Grade 13 of the General Schedule.”

Title, Occupational Series, Pay Plan: Program Management Technology Specialist, 301, GS-11

Agency position description No.: RF00661

Geographical location of the position: Washington, D.C.

Number of positions: 1

Schedule F Criteria: Schedule F positions are those of a confidential, policy-determining, policy-making, or policy-advocating character. This position is:

- Confidential

Description of factors demonstrating the position fits the Schedule F criteria: As stated in the relevant position description, the position:

- “Reviews proposed regulations and assists senior analysts in determining impact on program operations and management.”
- “Assists in developing procurement plans, statements of work, independent government cost estimates, and related documents.”
- “Develops new or modified administrative policies, guidelines, plans, goals and objectives, evaluates and advises on the organization, methods, and procedures for providing administrative support systems, such as records, communications, files, and documentation.”
- “In addition to OMB contacts, the incumbent may assist senior analysts in coordinating specific aspects of projects with other high-ranking officials such as senior agency officials, members of congressional staff, and comparable contacts outside the organization.”
- “The incumbent must be able to obtain and maintain a Top Secret security clearance.”

Because the incumbent’s duties involve, among other things, “[r]eview[ing] proposed regulations and assist[ing] senior analysts in determining impact on program operations and management” and “[d]evelop[ing] new or modified administrative policies, guidelines, plans, goals and objectives, evaluat[ing] and advis[ing] on the organization, methods, and procedures for providing administrative support systems, such as records, communications, files, and documentation,” his/her duties meet the criteria of “viewing, circulating, or otherwise working with proposed regulations, guidance, executive orders, or other non-public policy proposals or deliberations generally covered by deliberative process privilege” set forth in Sec. 5(c)(iv) of the EO because reviewing non-public proposed regulations and other sensitive and privileged records of the Executive branch involves “viewing, circulating or otherwise working with proposed regulations, guidance, executive orders, or other non-public policy proposals or deliberations generally covered by deliberative process privilege.” The incumbent “assist[s] senior analysts in coordinating specific aspects of projects with other high-ranking officials such as senior agency officials, [and] members of congressional staff,,” and thus “regularly work[s] with [at least one] individual appointed by either the President or an agency head who is paid at a rate not less than earned by employees at Grade 13 of the General Schedule.” Moreover, in light of the confidential nature of the incumbent’s duties, he/she is required to obtain and maintain a Top Secret security clearance.

Title, Occupational Series, Pay Plan: IT Project Manager (APPSW), 2210, GS-14

Agency position description No.: RF00024B

Geographical location of the position: Washington, D.C.

Number of positions: 1

Schedule F Criteria: Schedule F positions are those of a confidential, policy-determining, policy-making, or policy-advocating character. This position is:

- Policy-advocating
- Confidential

Description of factors demonstrating the position fits the Schedule F criteria: As stated in the relevant position description, the position:

- "Coordinates the work of OMB and other EOP components in the development and maintenance of information systems."
- "Develops and oversees the implementation of IT systems for MAX distributed processing technology, including client-server and web-based technologies."
- "Recommends ways to improve [IT] systems and the information generated by those systems; reviews information related problems; recommends management and procedural changes."
- "Knowledge and experience working cooperatively with a wide range of contacts at multiple levels of management and staff, both technical and non-technical, and others in performance of duties. Demonstrated sound judgment and discretion in handling sensitive matters."
- "This position is located in the OMB and has responsibility for duties associated with the operation, maintenance, and ongoing development of OMB's government-wide and internal budget information systems in support of the President's Budget. The incumbent provides software solutions and participates in the planning, design, analysis, development, implementation, documentation, security, testing and technical support of budget information systems."
- "Personal contacts may also include high-level officials within the EOP and from other agencies."

Because the incumbent "has responsibility for duties associated with the operation, maintenance, and ongoing development of OMB's government-wide and internal budget information systems in support of the President's Budget" and "[d]evelops and oversees the implementation of" OMB's IT systems, his/her duties meet the criteria of "substantive participation in the advocacy for or development or formulation of policy" set forth in Sec. 5(c)(i) of the EO because developing and overseeing the implementation of OMB's IT systems constitutes substantive (i.e., real or actual) participation in the development or formulation of policy with respect to those systems. Moreover, because the incumbent's duties involve, among other things, "participat[ing] in the planning, design, analysis, development, implementation, documentation [and] security" of OMB's IT systems in support of the President's budget" and requires that the incumbent demonstrate "sound judgment and discretion in handling sensitive matters" associated with his/her role in the planning, design, analysis, development, implementation, documentation, and security of OMB's IT systems in support of the President's budget, his/her duties meet the criteria of "viewing, circulating, or otherwise working with...non-public policy proposals or deliberations generally covered by deliberative process privilege" set forth in Sec. 5(c)(iv) of the EO because participating in the planning, design, analysis, development, implementation, documentation, and security of OMB's IT systems in support of the President's budget involves viewing, discussing, and otherwise working with

non-public policy proposals or deliberations generally covered by deliberative process privilege.” The government information specialist maintains contacts with “high-level officials within the EOP and from other agencies” and thus “regularly work[s] with [at least one] individual appointed by either the President or an agency head who is paid at a rate not less than earned by employees at Grade 13 of the General Schedule.”

Title, Occupational Series, Pay Plan: Senior Evidence Analyst, 0301, GS-15

Agency position description No.: RF00249

Geographical location of the position: Washington, D.C.

Number of positions: 3

Schedule F Criteria: Schedule F positions are those of a confidential, policy-determining, policy-making, or policy-advocating character. This position is:

- Confidential
- Policy-making
- Policy-advocating

Description of factors demonstrating the position fits the Schedule F criteria: As stated in the relevant position description, the position:

- “The incumbent will assist in implementation of the Administration’s Evidence Agenda.”
- “The incumbent will provide expert advice, counsel, and technical assistance to agencies and other OMB components, including policy officials, regarding the evidence-related policy areas under his/her responsibility, and will conduct special analyses of issues affecting the policy areas and how they apply to federal programs, as appropriate. This advice includes, for example, policy planning; policy and budget analysis; review of regulations, evaluation designs, legislation, and funding solicitations.”
- “For assigned policy areas, leads the development and implementation of government-wide guidance to agencies on how to support the use of evidence in policy making and program implementation.”
- “Prepares testimony and Reports to Congress, issue papers, and decision memoranda that evaluate and set forth proposed evidence-related policies and/or their application as they relate to specific programs.”
- “Within the Office, contacts are with staff at all levels, including the Director, Deputy Director, Executive and Program Associate Directors...Other contacts are with Cabinet and high-level officials and staff of the Executive Office of the President and Federal agencies and departments...”

Because the incumbent’s duties involve, among other things, “assist[ing] in implementation of the Administration’s Evidence Agenda” and “[p]rovid[ing] expert advice, counsel, and technical assistance to agencies and other OMB components, including policy officials, regarding the evidence-related policy areas under his/her responsibility”—advice that “includes, for example, policy planning; policy and budget analysis; review of regulations, evaluation designs, legislation, and funding solicitations”—his/her duties meet the criteria of “substantive participation in the advocacy for or development or formulation of policy” set forth in Sec. 5(c)(1) of the EO because assisting in the implementation of the Administration’s Evidence Agenda and providing expert advice, counsel, and technical assistance to agencies and other OMB components, including policy officials, regarding the evidence-related policy areas under his/her responsibility constitute substantive (i.e., real or actual) participation in the development or formulation of policy. Moreover, because the incumbent’s duties involve, among other things, “[p]repar[ing] testimony and Reports to Congress, issue papers, and decision memoranda that evaluate and set forth proposed evidence-related policies and/or their application as they relate to specific programs” and providing advice that “includes, for example, policy planning; policy and budget analysis;

review of regulations, evaluation designs, legislation, and funding solicitations,” his/her duties meet the criteria of “viewing, circulating, or otherwise working with proposed regulations, guidance, executive orders, or other non-public policy proposals or deliberations generally covered by deliberative process privilege” set forth in Sec. 5(c)(iv) of the EO because preparing testimony and Reports to Congress, issue papers, and decision memoranda that evaluate and set forth proposed evidence-related policies and reviewing and providing advice on non-public regulations involves “viewing, circulating or otherwise working with proposed regulations, guidance, executive orders, or other non-public policy proposals or deliberations generally covered by deliberative process privilege.” The incumbent maintains contacts with “with staff at all levels [at OMB], including the Director, Deputy Director, Executive and Program Associate Directors,” and thus “regularly work[s] with [at least one] individual appointed by either the President or an agency head who is paid at a rate not less than earned by employees at Grade 13 of the General Schedule.”

Title, Occupational Series, Pay Plan: Budget Information Management Specialist, 501, GS-14

Agency position description No.: RF00036E

Geographical location of the position: Washington, DC

Number of positions:

Schedule F Criteria: Schedule F positions are those of a confidential, policy-determining, policy-making, or policy-advocating character. This position is:

- Confidential
- Policy-advocating

Description of factors demonstrating the position fits the Schedule F criteria: As stated in the relevant position description, the position:

- “The incumbent must exercise considerable resourcefulness, self-motivation and inventiveness, and must show discretion in working on sensitive assignments.”
- “The incumbent performs a wide range of administrative and analytical duties connected with the formulation, justification, presentation, execution, and review of the President’s Budget and alternative budget proposals.”
- “Within OMB, contacts are with staff at all levels, including the Director, Deputy Director, Executive and Program Associate Directors, and Assistant Directors.”
- “The purpose of contacts is to make recommendations of budgetary and management issues; to obtain factual information, to perform systematic examination of alternative courses of actions, and help clarify the relevant choices and their implications; and to provide decisions makers with sound, decision oriented analyses and the quantitative basis by which to make decisions.”

The budget information management specialist’s duties involve, among other things, a wide range of administrative and analytical duties connected with the formulation, justification, presentation, execution, and review of the President’s Budget and alternative budget proposals, as well as making recommendations of budgetary and management issues by performing systematic examination of alternative courses of actions and helping clarify the relevant choices and their implications. His/her duties meet the criteria of “viewing, circulating, or otherwise working with . . . non-public policy proposals” set forth in Sec. 5(c)(iv) of the EO because formulation, justification, presentation, execution, and review of the President’s Budget and alternative budget proposals and making recommendations of budgetary and management issues necessarily involve viewing, circulating or otherwise working with non-public policy proposals. He/she also regularly works with the Director, Deputy Director, Executive and Program Associate Directors, and Assistant Directors, all of whom are individuals “appointed by either the President or an agency head who is paid at a rate not less than that earned by employees at Grade 13 of the General Schedule,” as set forth in Sec. 5(c)(iv)(A) of the EO.

Title, Occupational Series, Pay Plan: Financial Operations Analyst, 501, GS-14

Agency position description No.: RF00279

Geographical location of the position: Washington, D.C.

Number of positions: 1

Schedule F Criteria: Schedule F positions are those of a confidential, policy-determining, policy-making, or policy-advocating character. This position is:

- Confidential
- Policy-making
- Policy-advocating

Description of factors demonstrating the position fits the Schedule F criteria: As stated in the relevant position description, the position:

- "...the incumbent assists in the preparation and administration of OMB's budget and other financial activities that support the US Digital Services (USDS) organization with day-to-day budget, financial, and travel management activities."
- "Provides financial management support for all aspects of USDS travel and events as it relates [to] policies and procedures, operations, financial reporting, audits, and analysis."
- "Monitors the execution of USDS travel accounts by reviewing financial documents, expenditures, and examining accounting records and identifies issues for immediate resolution."
- "Enters and processes requisitions, modifications, and de-obligations into the procurement system and monitors and tracks the award documents and, upon completion, builds the OMB contract file."
- "Coordinates with internal and external customers to process and complete inter-agency agreements."
- "Participates in developmental aspects of the budget formulation by assisting in the building and maintenance of the USDS spending plan, which demonstrates prioritized projects, estimated costs, renewals, and out-year costs."
- "The incumbent uses judgment in deviating from traditional methods to develop new methods, criteria, or policies."
- "The incumbent is responsible for identifying and working on resolving problems for which no clear precedent exists and independently develops methodologies to address such problems."
- "The incumbent safeguards the Contractor's confidential business and technical information."
- "The nature of the work typically involves regular and direct communication with all levels of staff throughout the OMB, USDS, OA and the EOP as well as with commercial vendors."
- "Personal contacts generally are with all levels of EOP components' staff including senior management..."
- "Incumbent must be able to obtain and maintain a Top Secret security clearance."

Because the incumbent's duties involve, among other things, "[p]articipat[ing] in developmental aspects of the budget formulation by assisting in the building and maintenance of the USDS spending plan" and "develop[ing] new methods, criteria, or policies" for USDS, his/her duties meet the criteria of "substantive participation in the advocacy for or development or formulation of policy" set forth in Sec. 5(c)(i) of the EO because participating in developmental aspects of the budget formulation for USDS by

assisting in the building and maintenance of the USDS spending plan and developing new methods, criteria, or policies for USDS constitute substantive (i.e., real or actual) participation in the development or formulation of USDS policy. Moreover, because the incumbent's duties involve, among other things, reviewing and "process[ing] requisitions, modifications, and de-obligations into the procurement system and monitor[ing] and track[ing] the award documents" for current and potential USDS Contractors and reviewing and "safeguard[ing] the Contractor's confidential business and technical information," his/her duties meet the criteria of "viewing, circulating, or otherwise working with ... non-public policy proposals or deliberations generally covered by deliberative process privilege" set forth in Sec. 5(c)(iv) of the EO because reviewing non-public USDS requisitions, modifications, and de-obligations information, including Contractor's confidential business and technical information, involves viewing, circulating or otherwise working with non-public policy proposals or deliberations generally covered by deliberative process privilege. In addition, due to the sensitive nature of the incumbent's duties, he/she is required "to obtain and maintain a Top Secret security clearance." The incumbent maintains contacts "with all levels of EOP components' staff including senior management", and thus "regularly work[s] with [at least one] individual appointed by either the President or an agency head who is paid at a rate not less than earned by employees at Grade 13 of the General Schedule."

INFORMATION MEMO

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, DC 20503

December 14, 2020

MEMORANDUM FOR THE DIRECTOR

FROM: Stephen Billy, Senior Advisor
Peter Warren, PAD
THROUGH: Michael Rigas, Senior Policy Advisor
SUBJECT: Call with Senator Lankford re: Schedule F

Purpose

Senator Lankford has requested a call with you, and with the OPM Acting Director to discuss the recent media coverage of Schedule F. He would like to discuss this with you as it pertains to OMB, and the recent opinion pieces by former OMB employees.

Summary

Natalie McIntyre and Stephen Billy had a call with Senator Lankford's staff ahead of your call to better understand what the Senator wanted to discuss. As the Chair of the Regulatory Affairs and Federal Management Subcommittee, Senator Lankford has primary jurisdiction over these issues and is actively engaged on them. (b) (5)

Talking Points

(b) (5)

(b) (5)

Timeline

- On October 21, 2020, the President signed Executive Order 13957, Creating Schedule F in the Excepted Service (EO), and shortly thereafter OPM issued implementing guidance.
- After the guidance was issued, (b) (5) [redacted]
- (b) (5) [redacted]
- (b) (5) [redacted]
- OMB transmitted recommendations for position conversions to OPM. The positions cover over 400 employees. (b) (5) [redacted]

Schedule F

- The order establishes a new classification within the Federal workforce titled “Schedule F” for employees serving in confidential, policy-determining, policy-making, or policy-advocating positions that are not normally subject to change as the result of a presidential transition.
- Under the order, Federal agencies will have more flexibility to hire “Schedule F” employees and will also be able to remove them without going through a lengthy appeals process.
- This action will enhance accountability for Federal employees who are responsible for making policy decisions that significantly affect the American people.
 - These include regulations that impact small businesses across America or can come with penalties of jail time for individuals
 - The Government Accountability Office reports that it takes 6 months to 1 year to remove Federal employees for poor performance.
 - Surveys show career Federal employees have long been frustrated with the failure of their agencies to hold poor performers accountable.
- The order will not affect the Senior Executive Service.

Attachment

OMB FAQ on Schedule F

[APG]

SCHEDULE F at OMB FAQs

Where We Are:

- On October 21, 2020, the President signed Executive Order 13957, Creating Schedule F in the Excepted Service (EO), and shortly thereafter, OPM issued implementing guidance.
- After the guidance issued, (b) (5) [REDACTED]
[REDACTED]
[REDACTED]
 - (b) (5) [REDACTED]
[REDACTED]
 - (b) (5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- OMB transmitted recommendations for position conversions to OPM. The positions cover over 400 employees. (b) (5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

What Comes Next:



(b) (5)

(b) (5)

(b) (5)

(b) (5)

[APG]

(b) (5)

[APG]

(b) (5)

[APG]

(b) (5)

[APG]