

Rules and Regulations

Federal Register

Vol. 91, No. 156

Friday, August 14, 2026

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR PARTS 2, 3, 5, 6, 9, and 10

[Docket ID: OPM–2026–0562]

RIN 3206–AP19

Updates and Amendments to the Civil Service Rules

AGENCY: Office of Personnel Management.

ACTION: Direct final rule.

SUMMARY: Pursuant to the President's direction in Executive Order 14410, *Implementing Schedule Policy/Career in the Excepted Service*, the Office of Personnel Management (OPM) is issuing a direct final rule to update and amend obsolete and outdated provisions of the Civil Service Rules that do not substantively affect agency operations.

DATES: This rule is effective October 13, 2026, unless significant adverse comments are received by September 14, 2026. If significant adverse comments are received, OPM will withdraw the relevant provisions of this direct final rule.

ADDRESSES: You may submit comments for this direct final rule within the Federal eRulemaking Portal at <https://www.regulations.gov/>. Follow the instructions for submitting comments.

Comments must be received by the end of the comment period to be considered. All comments and other submissions received generally will be posted on the internet at [regulations.gov](https://www.regulations.gov/) as they are received, without change, including any personal information provided. However, OPM retains discretion to redact personal or sensitive information, including but not limited to personal or sensitive information pertaining to third parties.

A summary of this rule may be found in the docket for this rulemaking at www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Aaron Gottesman, Office of Personnel

Management, Office of the Director, (202) 606–1300, regulatory.information@opm.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Civil Service Rules, codified at 5 CFR subchapter A, govern fundamental aspects of Federal employment, including appointments, examinations, certain prohibited practices, and probationary periods.

The Civil Service Rules trace their origins to the dawn of the merit-based civil service. The original Civil Service Rules were promulgated by President Chester A. Arthur on May 7, 1883, a few months after the passage of the Pendleton Act (22 Stat. 403) on January 16, 1883. The Pendleton Act required open, competitive examinations for positions in what was then known as the “classified service”; mandated probationary periods before finalization of appointments to the classified service; and protected classified service employees from being required to engage in political activities.¹ The Pendleton Act also created the Civil Service Commission, OPM's predecessor agency, to administer and enforce these requirements.

President Arthur's original Civil Service Rules defined the scope of the classified service and restated, and expanded upon, the Pendleton Act's requirements regarding the classified service, including how exams were to be administered and graded and how probationary periods were to be administered.² Over time, successive Presidents expanded the scope of the classified service (later known as the competitive service) via amendments to the Civil Service Rules.³ The last comprehensive revision of the Civil Service Rules occurred under President

Eisenhower in Executive Order (E.O.) 10577, 19 FR 7521, issued on November 22, 1954.

Since E.O. 10577, Presidents have continued to periodically amend the Civil Service Rules.⁴ However, the Civil Service Rules have not been comprehensively amended and updated since President Eisenhower. Thus, they contain many outdated and obsolete provisions and references. These include references to statutory provisions that have been repealed or superseded; reports that are no longer published; departments and positions that no longer exist; and terms that are now considered outmoded.

In Section 2(g) of E.O. 14410, 91 FR 34893, *Implementing Schedule Policy/Career in the Excepted Service*, President Trump directed that OPM, within 60 days, “take steps to prepare and issue revisions that remove or update, as applicable, obsolete provisions of the Civil Service Rules that do not substantively affect agency operations.”

This direct final rule implements that direction. It removes or updates outdated and obsolete provisions of the Civil Service Rules without changing current rights, obligations, or agency operations. Making these updates will allow the Civil Service Rules to offer clear direction for Federal employees, applicants, and agencies, without obsolete provisions and outdated terminology undermining or distracting from their authoritative nature.

II. Regulatory Changes

1. Changes to Civil Service Rule II

OPM is removing 5 CFR 2.1(c), which addresses OPM's procedures for examining and certifying lists of

¹ 22 Stat. 403.

² The text of President Arthur's Executive order promulgating the original Civil Service Rules is available at <https://www.presidency.ucsb.edu/documents/executive-order-342>.

³ See, e.g., President Cleveland, E.O. 92, *Amendments to Civil Service Rules* (May 6, 1896), available at <https://www.presidency.ucsb.edu/documents/executive-order-civil-service-rules>; President Theodore Roosevelt, E.O. 279, *Prohibiting Appointment in Executive Departments for Any Service of Character Performed by Classified Employees Except Under Civil Service Rules* (Nov. 29, 1904), available at <https://www.presidency.ucsb.edu/documents/executive-order-41>; President Franklin D. Roosevelt, E.O. 8743, 6 FR 2117, *Extending the Classified Civil Service* (April 23, 1941).

⁴ See, e.g., President Clinton, E.O. 13197, 66 FR 7853, *Governmentwide Accountability for Merit System Principles; Workforce Information* (Jan. 18, 2001); President Obama, E.O. 13562, 75 FR 82585, *Recruiting and Hiring Students and Recent Graduates* (Dec. 27, 2010); President Obama, E.O. 13764, 82 FR 8115, *Amending the Civil Service Rules, Executive Order 13488, and Executive Order 13467 To Modernize the Executive Branch-Wide Governance Structure and Processes for Security Clearances, Suitability and Fitness for Employment, and Credentialing, and Related Matters* (Jan. 17, 2017); President Trump, E.O. 13843, 83 FR 32755, *Excepting Administrative Law Judges From the Competitive Service* (July 10, 2018); President Trump, E.O. 14284, 90 FR 17729, *Strengthening Probationary Periods in the Federal Service* (April 24, 2025); President Trump, E.O. 14317, 90 FR 34753, *Creating Schedule G in the Excepted Service* (July 17, 2025).

eligibles for fourth-class postmaster positions. This is an outdated legacy provision that dates from the time of the Civil Service Commission. The Postal Reorganization Act of 1970 (Pub. L. 91–375, 84 Stat. 719) removed postal employees from the competitive service, establishing the U.S. Postal Service and mandating that appointments in the Postal Service “shall be in accordance with the procedures established by the Postal Service.” 39 U.S.C. 1001(b). In addition, postal employees cannot acquire competitive status. *See* 5 U.S.C. 2105(e) (excluding postal service employees from the definition of a civil service “employee” and consequently from the competitive service). Further, the Postal Service no longer uses the term “fourth-class postmaster,” as the Postal Reorganization Act superseded the old postmaster-class appointment system referenced in 5 CFR 2.1(c).

OPM is also removing 5 CFR 2.2(a)(4). Current § 2.2(a)(4) is a legacy carveout in the career-conditional appointment rule for certain postal field service positions whose salary rates were fixed under the Postal Employees Pay Act of 1945 (Pub. L. 79–134, 59 Stat. 435). Modern Postal Service hiring is governed by title 39, United States Code, not by OPM-administered competitive-service registers. Section 1001(a) of title 39 U.S.C. provides that the Postal Service appoints its own officers and employees, and 39 U.S.C. 1001(b) provides that Postal Service appointments and promotions are made under Postal Service-established procedures. Title 5 also provides that USPS and Postal Regulatory Commission employees are generally not “employees” for title 5 purposes. *See* 5 U.S.C. 2105(e).

OPM is also removing 5 CFR 2.3, which requires that appointments in agency headquarters offices in Washington, DC be apportioned on a population basis among the several states, territories, and the District of Columbia. This requirement dates to the Pendleton Act and was formerly codified at 5 U.S.C. 3306. However, the apportionment requirement for Washington, DC headquarters offices was repealed by Public Law 95–228, 92 Stat. 25 (Feb. 10, 1978). Civil Service Rule 2.3 is thus obsolete.

2. Changes to Civil Service Rule III

OPM is revising 5 CFR 3.1(a)(2) to update the reference to the “Administrator of Veterans’ Affairs” to the “Secretary of Veterans Affairs”, consistent with VA’s designation as a cabinet department in 1989. OPM is also revising the reference to “the act of March 24, 1943 (57 Stat. 43)” to the

current codification of the referenced provision at 38 U.S.C. 3115.

OPM is also revising 5 CFR 3.1(b) to replace references to “handicapped employees” with the modern term “employees with a disability,” and to replace a reference to a “mentally retarded” employee with the more modern term “employee with an intellectual disability.”

OPM is revising 5 CFR 3.2 to require that detailed statements of the reasons for non-competitive appointments be published on OPM’s website, rather than in “OPM’s annual reports.” Prior to 1980, OPM was required by 5 U.S.C. 1308 to publish a broad annual report on its administration of the competitive service. This requirement was ended by the Congressional Reports Elimination Act of 1980 (Pub. L. 96–470, 94 Stat. 2237 (Oct. 19, 1980)). Since 1980, OPM has not published an “annual report” of the type referenced in 5 CFR 3.2, and OPM is thus removing this obsolete reference.

3. Changes to Civil Service Rule V

OPM is revising 5 CFR 5.1 to improve the organization and clarity of Civil Service Rule V (5 CFR part 5) and to update obsolete publication references. Current § 5.1 contains the Director’s general regulatory responsibilities and variation authority in unnumbered text, followed by a lettered list of the information that must be included in the official record when a variation is granted. The current final lettered paragraph also includes, at the end of that recordkeeping item, two separate requirements: that like variations be granted whenever like conditions exist, and that variation decisions and related information be published promptly. This structure can obscure that the “like variations” and publication requirements are independent requirements applicable to variations generally, rather than additional items to be included in the official record.

The revision in this rule reorganizes § 5.1 without changing the substantive standard for granting a variation or the required contents of the official record. Revised paragraph (a) states the Director’s general regulatory responsibilities and authority to grant a variation when the Civil Service Rule’s existing criteria are satisfied. Revised paragraph (b) retains the requirement that, whenever a variation is granted, the Director must note the official record, and redesignates the four existing recordkeeping elements as paragraphs (b)(1) through (4). Revised paragraph (c) separately states the existing requirement that like variations be granted whenever like conditions

exist and updates the publication requirement.

This reorganization is clarifying and non-substantive. It separates distinct concepts into separate paragraphs and places the four recordkeeping elements in a nested list under the recordkeeping requirement to which they relate.

OPM is also making grammatical and plain-language revisions to clarify the existing limitation on the application of a variation. The revised language states more directly that a variation applies only while the conditions that justified it continue. The change improves readability and does not alter the substantive requirement that the variation remain tied to the continued existence of the conditions that gave rise to it.

OPM is also revising 5 CFR 5.1 to replace the requirement that OPM promptly publish information concerning variations “in a Federal Personnel Manual Letter or Bulletin and in the Director’s next annual report” with a requirement that such information be promptly published “in the **Federal Register** or on the Office’s website.” As noted above, the OPM Director no longer publishes an annual report containing broad information on his administration of the competitive service, as occurred before 1980. In addition, the Federal Personnel Manual was abolished in 1993. Thus, these references are both obsolete. Information regarding variations is currently published on OPM’s website,⁵ and notice of variations may also be published in the **Federal Register**.⁶

4. Changes to Civil Service Rule VI

OPM is removing the reference to “OPM’s annual report” in 5 CFR 6.1(a) and substituting reference to the **Federal Register** or OPM’s website. As noted above, OPM has not published an annual report on its administration of the competitive service since the requirement that it do so was ended in 1980.

OPM is removing the exceptions contained in 5 CFR 6.8(a) through (c), as they are obsolete. The exceptions contained in 5 CFR 6.8(a) derive from E.O. 11839, 40 FR 7351 (as later amended by E.O. 11887, 40 FR 51411). E.O. 11839 was issued by President Ford to move “certain senior regional officials” in various departments holding Limited Executive Assignments to Noncareer Executive Assignments (if

⁵ *See* OPM, “Variations,” available at <https://www.opm.gov/policy-data-oversight/hiring-information/variations/>.

⁶ *See, e.g.,* OPM, *Pathways Presidential Management Fellows Program: Variation*, 90 FR 38603 (Aug. 11, 2025).

above GS–15). In addition, officials GS–15 and below who were not in the competitive service as of February 15, 1975, and who served “as the principal representative of the Secretary [of Commerce or Interior] in their respective regions” were moved to Schedule C assignments.

The references in 5 CFR 6.8(a) to officials above GS–15 holding Noncareer Executive Assignments, Limited Executive Assignments and Career Executive Assignments are a vestige of the old Executive Assignment System for GS–16, GS–17 and GS–18 positions, codified in a now-repealed version of Civil Service Rule IX.⁷ This framework was superseded by the creation of the Senior Executive Service in the Civil Service Reform Act of 1978 (Pub. L. 95–454, 92 Stat. 1111). More broadly, the purpose of E.O.s 11839 and 11887 in moving certain incumbent regional officials into noncareer roles was accomplished long ago, and thus there is no longer any need for 5 CFR 6.8(a).

The next provision, 5 CFR 6.8(b), derives from E.O. 12021, 43 FR 12303, issued by President Carter to move the incumbent regional directors and regional administrators in the Community Services Administration and ACTION into noncareer roles (unless those incumbents were in the competitive service as of November 29, 1977). The Community Services Administration and ACTION no longer exist; the Community Services Administration was closed in 1981 and ACTION was closed in 1994. Thus, 5 CFR 6.8(b) is obsolete.

The final provision, 5 CFR 6.8(c), derives from President Reagan’s E.O. 12300, 46 FR 18663, moving certain incumbent regional officials in the Agricultural Stabilization and Conservation Service and the Farmers Home Administration into Schedule C. Both these former subunits within the Department of Agriculture were abolished as part of a 1994 departmental reorganization. Thus, OPM is removing this obsolete and outdated provision.

OPM has confirmed that no current positions, incumbents, appointments, or agency operations depend on the obsolete designations and grandfathering provisions in § 6.8(a) through (c).

5. *Changes to Civil Service Rule IX*

OPM is updating a reference to the National Imagery and Mapping Agency

to reflect the agency’s current name, the National Geospatial-Intelligence Agency.

6. *Changes to Civil Service Rule X*

OPM is updating a reference to the General Accounting Office to reflect the agency’s current name, the Government Accountability Office.

III. **Expected Impact**

1. *Statement of Need*

OPM has determined that this regulatory action is necessary to implement the President’s direction in E.O. 14410 to update and clarify outdated and obsolete references in the Civil Service Rules.

2. *Impact*

The changes in this rule will have no substantive impact on agency operations; however, the changes are expected to improve the clarity and usability of the Civil Service Rules.

3. *Costs*

This rule will not impose any costs on Federal agencies as it merely removes or amends outdated provisions of the Civil Service Rules that have no substantive impact on current agency operations.

4. *Benefits*

The Civil Service Rules have not been comprehensively revised in more than 70 years and they thus contain many outdated references that undermine their authoritative nature and create confusion. This rule will create clarity for Federal employees, agencies, and job applicants.

5. *Alternatives*

OPM was directed to engage in this rulemaking by President Trump’s E.O. 14410. OPM considered each provision of the current Civil Service Rules and whether the provisions were outdated or obsolete. OPM then considered whether the provision should be removed or could be revised to capture the original intent. OPM considers this final rule to be the best combination of revisions to retain relevant portions of the Civil Service Rules and to remove obsolete provisions.

6. *Severability*

If any provision of this final rule is held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, we believe that the various remaining provisions should be severable and need not be impacted.

IV. **Regulatory Compliance**

1. *Administrative Procedure Act*

This rule is suitable for direct final rulemaking because it is non-controversial, consistent with Federal law and policy, and will not substantively impact Federal agency operations or employees. The rule is limited to revising obsolete references and provisions that OPM has determined to have no current substantive effect. OPM does not expect to receive any significant adverse comments related to these minor modifications. These provisions of the rule will be beneficial to agencies and members of the public because they will improve the usability of the Civil Service Rules. The revisions make no changes to the legal obligations or rights of any affected parties (*i.e.*, they reflect requirements that are already in effect). OPM accordingly finds that it is in the public interest to have this rule be effective as soon as possible.

This rule will be effective October 13, 2026, unless significant adverse comments are received by September 14, 2026. A significant adverse comment is one that explains: (1) why the rule is inappropriate, including challenges to the rule’s underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without a change. If such comments are received, the applicable provisions of this direct final rule will be withdrawn and OPM will publish a proposed rule for comments. If no significant adverse comments are received, this direct final rule will become effective 30 days after the comment period expires. A comment recommending an addition to the rule will not be considered significant and adverse unless the comment explains how this direct final rule would be ineffective without the addition. If OPM receives a significant adverse comment on a severable provision, OPM may withdraw only the affected provision and allow the remainder of the rule to become effective.

2. *Regulatory Review*

OPM has examined the impact of this rule as required by E.O.s 12866 and 13563, which direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public, health, and safety effects, distributive impacts, and equity). A regulatory impact analysis must be prepared for rules that have an annual effect on the economy of \$100

⁷ The parts of E.O. 11839 that amended Civil Service Rule IX were themselves repealed when Civil Service Rule IX was repealed by E.O. 12748, 56 FR 4521, *Providing for Federal Pay Administration* (Feb. 4, 1991).

million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. This is not an E.O. 12866 significant action. For the reasons discussed earlier, this rule is considered deregulatory under E.O. 14192.

3. Regulatory Flexibility Act

The Director of OPM certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities because the rule will apply only to Federal agencies and employees.

4. Federalism

This rulemaking will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with E.O. 13132, the Director of OPM certifies that this rulemaking does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

5. Civil Justice Reform

This rulemaking meets the applicable standards set forth in section 3(a) and (b)(2) of E.O. 12988.

6. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1532) requires that agencies assess anticipated costs and benefits before issuing any rule that would impose spending costs on State, local, or tribal governments in the aggregate, or on the private sector, in any 1 year of \$100 million in 1995 dollars, updated annually for inflation. That threshold is currently approximately \$206 million. This rulemaking will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, in excess of the threshold. Thus, no written assessment of unfunded mandates is required.

7. Congressional Review Act

OMB's Office of Information and Regulatory Affairs has determined this rule does not satisfy the criteria listed in 5 U.S.C. 804(2). In addition, this is a rule relating to agency management or personnel and does not come within the meaning of the term "rule" as used in 5 U.S.C. 804(3)(C). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

8. Paperwork Reduction Act

This regulatory action does not impose any new reporting or recordkeeping requirements subject to the Paperwork Reduction Act.

List of Subjects

5 CFR Parts 2, 3, 6, 9, and 10

Government employees.

5 CFR Part 5

Administrative practice and procedure, Investigations.

Signing Statement

Scott Kuper, reviewed and approved this document and has authorized the undersigned to electronically sign and submit this document to the Office of the Federal Register for publication.

Office of Personnel Management.

Jerson Matias,

Federal Register Liaison.

For the reasons stated in the preamble, the Office of Personnel Management amends 5 CFR parts 2, 3, 5, 6, 9, and 10 as follows:

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SERVICE; RELATED MATTERS (RULE II)

- 1. The authority citation for part 2 is revised to read as follows:

Authority: 5 U.S.C. 1103(b)(4), 3301, 3302; E.O. 14410, 91 FR 34893.

§ 2.1 [Amended]

- 2. Amend § 2.1 by removing paragraph (c).
- 3. Amend § 2.2 by revising paragraphs (a)(2) and (3) and removing paragraph (a)(4). The revisions read as follows:

§ 2.2 Appointments.

- (a) * * *
- (2) Employees serving under career appointments at the time of selection from such registers; and
- (3) Former employees who have eligibility for career appointments upon reinstatement.

* * * * *

§ 2.3 [Removed]

- 4. Remove § 2.3.

PART 3—NONCOMPETITIVE ACQUISITION OF STATUS (RULE III)

- 5. The authority citation for part 3 is revised to read as follows:

Authority: 5 U.S.C. 3301, 3302; E.O. 14410, 91 FR 34893.

- 6. Amend § 3.1 by:

- a. In paragraph (a)(2), removing the words "the Administrator of Veterans'

Affairs" and adding, in their place, "the Secretary of Veterans Affairs" and removing the words "the act of March 24, 1943 (57 Stat. 43)" and adding, in their place, "38 U.S.C. chapter 31"; and

- b. Revising paragraph (b) to read as follows:

§ 3.1 Classes of persons who may noncompetitively acquire status.

* * * * *

(b) Upon recommendation by the employing agency, and subject to such requirements as the Office of Personnel Management may prescribe, the following classes of employees with disabilities may acquire competitive status without competitive examination:

(1) An employee with a severe physical disability who completes at least two years of satisfactory service in a position excepted from the competitive service.

(2) An employee with an intellectual disability who completes at least two years of satisfactory service in a position excepted from the competitive service.

(3) An employee with a psychiatric disability who completes at least two years of satisfactory service in a position excepted from the competitive service.

§ 3.2 [Amended]

- 7. In § 3.2, remove the words "in OPM's annual reports" and add, in their place, "on OPM's website".

PART 5—REGULATIONS, INVESTIGATION, AND ENFORCEMENT (RULE V)

- 8. The authority citation for part 5 is revised to read:

Authority: 5 U.S.C. 3301, 3302; E.O. 12107, 44 FR 1055, 3 CFR, 1978 Comp., p. 264; E.O. 14410, 91 FR 34893.

- 9. Revise § 5.1 to read as follows:

§ 5.1 Civil Service regulations.

(a) The Director of the Office of Personnel Management shall promulgate and enforce regulations necessary to carry out the provisions of the Civil Service Act and the Veterans' Preference Act, as reenacted in title 5, United States Code, the Civil Service Rules, and all other statutes and Executive orders imposing responsibilities on the Office. The Director is authorized, whenever there are practical difficulties and unnecessary hardships in complying with the strict letter of the regulation, to grant a variation from the strict letter of the regulation if such a variation is within the spirit of the regulations, and the efficiency of the Government and the integrity of the competitive service are protected and promoted.

(b) Whenever a variation is granted, the Director shall note the official record to show:

(1) The particular practical difficulty or hardship involved;

(2) What is permitted in place of what is required by regulations;

(3) The circumstances which protect or promote the efficiency of the Government and the integrity of the competitive service; and

(4) A statement that the variation applies only while the conditions that gave rise to it continue.

(c) Like variations shall be granted whenever like conditions exist. All such decisions and information concerning variations noted in the official record shall be published promptly in the **Federal Register** or on the Office's website.

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE (RULE VI)

■ 10. The authority citation for part 6 is revised to read:

Authority: 5 U.S.C. 3301, 3302; E.O. 14410, 91 FR 34893.

§ 6.1 [Amended]

■ 11. In § 6.1(a), remove the words “in OPM’s annual report for the fiscal year in which the exceptions are made” and add, in their place, “in the **Federal Register** or on OPM’s website”.

§ 6.8 [Amended]

■ 12. In § 6.8, remove paragraphs (a), (b), and (c), and redesignate paragraphs (d) and (e) as paragraphs (a) and (b).

PART 9—WORKFORCE INFORMATION (RULE IX)

■ 13. Add an authority citation to read as follows:

Authority: E.O. 13197, 66 FR 7853, 3 CFR, 2001 Comp., p. 750; E.O. 14410, 91 FR 34893.

§ 9.1 [Amended]

■ 14. In § 9.1, remove the words “Imagery and Mapping” and add, in their place, “Geospatial-Intelligence”.

PART 10—AGENCY ACCOUNTABILITY SYSTEMS; OPM AUTHORITY TO REVIEW PERSONNEL MANAGEMENT PROGRAMS (RULE X)

■ 15. Add an authority citation for part 10 to read as follows:

Authority: E.O. 13197, 66 FR 7853, 3 CFR, 2001 Comp., p. 750; E.O. 14410, 91 FR 34893.

§ 10.1 [Amended]

■ 16. In § 10.1, remove the words “General Accounting” and add, in their place, “Government Accountability”.

[FR Doc. 2026–16630 Filed 8–13–26; 8:45 am]

BILLING CODE 6325–46–P

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 532 and 550

[Docket ID: OPM–2026–0199]

RIN 3206–AO76

Differential Pay for Prescribed Wildland Fire Activities

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing a final rule to add prescribed (planned) wildland fire duties as covered activities triggering payment of Hazardous Duty Pay (HDP) for General Schedule (GS) employees and Environmental Differential Pay (EDP) for Federal Wage System (FWS) employees. The final rule authorizes a 25 percent differential for GS and FWS employees participating as a member of a firefighting crew engaged in activities on the fireline directly involving the implementation and control of prescribed wildland fires.

DATES:

Effective date: This regulation is effective September 14, 2026.

Applicability date: This change applies on the first day of the first pay period beginning on or after September 14, 2026.

FOR FURTHER INFORMATION CONTACT: Ana Paunoiu, by telephone at (202) 606–2858 or by email at paypolicy@opm.gov.

SUPPLEMENTARY INFORMATION:

I. Digest of Public Comments

On April 14, 2026, OPM issued a proposed rule (91 FR 19081) to add prescribed wildland fire activities as new HDP and EDP categories under 5 CFR parts 550 and 532. The proposed rule had a 60-day comment period ending June 15, 2026. OPM received 92 comments from Federal employees, one labor organization, one public sector organization, and one private sector organization. Public comments, with a few exceptions, strongly supported OPM’s proposal to authorize a 25 percent differential for GS employees, including General Schedule Wildland Firefighters (GW pay plan), and FWS employees participating on a firefighting

crew engaged in activities on the fireline directly involving the implementation and control of prescribed wildland fires.

Commenters primarily addressed the following issues: coverage of employees paid under pay plan “GW” and employees in the 0456 Wildland Fire Management occupational series; whether prescribed fire duties warrant the same 25 percent differential provided for wildfire fireline duties; the exclusion of pre-ignition preparation activities; legal authority and concerns about double compensation; comparisons to other hazardous Forest Service duties; potential cost and operational incentives; and requests to expand coverage to smokejumper proficiency or training jumps and to aviation or air tanker base personnel.

After considering the comments, OPM is adopting the proposed regulatory text and 25 percent differential without change. The responses to the comments in Section III. provide clarifications on the differential coverage, payment, and other provisions.

II. Background

HDP is a pay differential authorized by 5 U.S.C. 5545(d) and 5 CFR part 550, subpart I, for GS employees performing duties approved by OPM in Appendix A to subpart I that involve unusual physical hardship or hazard. EDP is a pay differential authorized by 5 U.S.C. 5343(c)(4) and 5 CFR 532.511 for FWS employees exposed to working conditions or hazards that fall within one of the categories approved by OPM in Appendix A of 5 CFR part 532, subpart E. This final rule establishes new HDP and EDP categories at a 25 percent rate for Federal employees performing prescribed (planned) wildland fire activities. Existing HDP and EDP provisions already provide a 25 percent differential for qualifying wildfire fireline work (*i.e.*, participating as a member of a crew fighting forest and range fires), but they do not cover prescribed fires. United States Department of Agriculture (USDA) Forest Service and the Department of the Interior (DOI) requested that OPM add prescribed wildland fire activities as covered categories because employees engaged in those operations are exposed to many of the same physical, chemical, and biological hazards encountered on wildfire firelines.

As in the proposed rule, the final rule limits differential coverage to employees participating as a member of a firefighting crew engaged in activities on the fireline directly involving the implementation and control of a prescribed wildland fire. The rule does