

**60**      **Schedule C positions**

“Schedule C” positions are described in 5 C.F.R. 213.3301:

**Section 213.3301 Positions of a confidential or policy-determining character.**

Upon specific authorizations by OPM, or under the terms of an agreement with OPM, agencies may make appointments under this section to positions which are policy-determining or which involve a close and confidential working relationship with the head of an agency or other key appointed officials. Positions filled under this authority are excepted from the competitive service and constitute Schedule C. ...

Neither the definition of “employee” in section 7103(a)(2) of the Statute nor the specific unit exclusions set forth in section 7112(b) of the Statute references Schedule C employees.

The same eligibility factors considered when determining if any employee is to be included in a bargaining unit are applied to determining unit eligibility of Schedule C employees.

**See also RCL 24 for more information on Schedule C positions.**

**For questions related to specific Statutory exclusions, consult the Table of Contents for the employee category(ies) at issue.** In addition to questions concerning specific categories, other relevant questions include the following:

1. Evidence and documentation of the basic mission, organization and operations of the agency. This area corresponds to the community of interest of the disputed employees with unit employees. (See also *RCL 1 - Appropriate Unit Determinations* - also *HOG 37* for a discussion of community of interest).
2. To what extent are the conditions of employment for the disputed employee(s) similar or dissimilar to bargaining unit employees?  
Areas of consideration include:
  - a. Method of appointment

- b. Promotion procedures
  - c. Removal and reduction in force policies
  - d. Compensation and retirement programs
  - e. Performance appraisal
  - f. Benefits, including life and health insurance
  - g. Security investigations, drug testing policies
3. Discuss the duties and functions of the disputed employee(s) and of the employees included in the bargaining unit. Describe the work that the disputed employee(s) performs and compare with the work of the bargaining unit employees. Include information on how the disputed employee(s) is assigned work, and performs work as compared to bargaining unit employees. Do the disputed employee(s) and the bargaining unit employees share common supervision?
  4. To what extent are the disputed employee(s) in a close and confidential working relationship with the head of the agency or other key appointed official?
  5. To what extent does the disputed employee(s) participate in policy-making with the head of the agency or other key appointed officials?