



SECRETARY OF WAR  
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WASHINGTON, DC 20301-1000

JUN - 1 2026

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP  
COMMANDERS OF THE COMBATANT COMMANDS  
DEFENSE AGENCY AND DOW FIELD ACTIVITY DIRECTORS

SUBJECT: Department of War Policy on Prohibited Personnel Practices for Schedule Policy/Career

- References: (a) Executive Order 13957, "Creating Schedule F in the Excepted Service," October 21, 2020  
(b) Executive Order 14171, "Restoring Accountability to Policy-Influencing Positions in the Federal Workforce," January 20, 2025  
(c) Director, U.S. Office of Personnel Management Memorandum, "Initial Implementing Guidance for Schedule Policy/Career Final Rule (*Improving Performance, Accountability and Responsiveness in the Civil Service*)," February 5, 2026

Implementation of Schedule Policy/Career in the Department, in accordance with references (a), (b), and (c) will bring much needed accountability to career policy-influencing positions across the Department. Pending the President of the United States issuance of an Executive Order to place positions that have been identified and recommended for placement into Schedule Policy/Career, preparations are underway across the Department to align our policies and ensure successful implementation.

Our civilian employees provide critical continuity and support to our Service members, and I continue to stress the value and importance of their role in the Total Force. DoW applicants for, and employees in Schedule Policy/Career positions, are not required to personally or politically support the President of the United States or the policies of the current administration. However, they are required to faithfully implement administration policies to the best of their ability, consistent with their constitutional oath and the executive authority vested solely in the President.

Accordingly, applicants for, and employees in DoW Schedule Policy/Career positions will continue to be hired, evaluated, and promoted based on merit, not patronage, and retain protections against prohibited personnel practices as defined in the attached policy. The Department is committed to ensuring that applicants for and employees in Schedule Policy/Career positions are protected against discrimination based on protected characteristics (such as race, sex, or religion), political affiliation, coercion or reprisal based on political activity, and retaliation for reporting violations of law or waste, fraud and abuse to appropriate authorities.

Prohibited personnel practices undermine the integrity of the Department and negatively impact the success of America's military and our ability to defend this great Nation. DoW



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employees will be held to the highest standards of performance and conduct and personnel practices prohibited under this policy will not be tolerated. Violations of this policy may result in disciplinary action up to and including removal from Federal service, as well as appropriate corrective action.

I am directing the General Counsel of the DoW to develop the DoW complaint process, and accompanying implementing guidance, for raising allegations of violations of this policy. Procedures for utilizing that complaint process will be widely publicized across the Department once finalized. This policy along with the complaint procedures will be converted to a new DoW Instruction, as appropriate.

My point of contact is The Honorable Earl G. Matthews, General Counsel of the DoW.

Attachment:  
As stated

A handwritten signature in black ink, appearing to be 'PRJ' with a long horizontal stroke extending to the right.

## **DEPARTMENT OF WAR POLICY ON PROHIBITED PERSONNEL PRACTICES FOR SCHEDULE POLICY/CAREER**

This document sets forth Department of War (DoW) policy regarding prohibited personnel practices in accordance with Executive Order (EO) 13957, "Creating Schedule F in the Excepted Service," October 21, 2020, as amended by EO 14171, "Restoring Accountability to Policy-Influencing Positions Within the Federal Workforce," January 20, 2025, and Office of Personnel Management (OPM) Final Rule, "Improving Performance, Accountability and Responsiveness in the Civil Service," 91 FR 5580.

### **A. PURPOSE**

This policy establishes the DoW standards and expectations regarding prohibited personnel practices as identified in 5 U.S.C. § 2302(b).

Schedule Policy/Career employees and applicants may not seek corrective action before the Office of Special Counsel based on allegations of prohibited personnel practices established under 5 U.S.C. § 2302(b). Instead, such employees and applicants will follow specific Department procedures, to be established, when seeking corrective action.

Compliance with this policy is mandatory for all applicable personnel.

### **B. POLICY STATEMENT**

In accordance with this policy, DoW ensures that all personnel actions are carried out fairly, transparently, and in strict adherence to applicable laws. DoW employees, supervisors, and managers shall not engage in any prohibited personnel practice. Violations undermine the integrity of the Department and may result in disciplinary action, up to and including removal from federal service, as well as appropriate corrective action.

### **C. SCOPE**

This policy applies to all DoW:

1. Employees who have been appointed or moved to a position in Schedule Policy/Career in the Department.
2. Applicants for a Schedule Policy/Career position in the Department
3. Supervisors, managers, executives, and officials with the authority to take, direct, recommend, or approve personnel actions against applicants for or employees holding a Schedule Policy/Career position in the Department.

#### D. AUTHORITY

Pursuant to EO 13957, as amended by EO 14171, all Schedule Policy/Career employees — appointed or moved to such positions — are excepted from procedures for performance-based and adverse actions under Chapters 43 and 75 of title 5, U.S. Code. Additionally, all Schedule Policy/Career employees — appointed to or moved to such positions, are exempt from coverage under 5 U.S.C. § 2302(b), because Schedule Policy/Career positions are excluded from 5 U.S.C. § 2302(a)(2)(B)(i)-(ii). Further, EO 13957, as amended, requires Agencies to “establish rules to prohibit the same personnel practices prohibited by 5 U.S.C. § 2302(b), with respect to any employee or applicant for employment in Schedule Policy/Career of the excepted service.” In compliance with these orders, this policy establishes rules that prohibit the same prohibited personnel practices described by 5 U.S.C. § 2302(b) in the DoW.

#### E. PROHIBITED PERSONNEL PRACTICES

As described by 5 U.S.C. § 2302(b), no DoW employee, supervisor, manager, executive, or official with the authority to take, direct, recommend, or approve any personnel action against applicants for or employees holding a Schedule Policy/Career position in the Department shall, with respect to such authority:

1. Discriminate for or against any employee or applicant for employment on the basis of:
  - a. Race, color, religion, sex, or national origin, as prohibited under section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16).
  - b. Age, as prohibited under sections 12 and 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. §§ 631 and 633a).
  - c. Sex, as prohibited under section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. § 206(d)).
  - d. A handicapping condition, as prohibited under section 501 of the Rehabilitation Act of 1973 (29 U.S.C. § 791).
  - e. Marital status or political affiliation, as prohibited under any law, rule, or regulation.
2. Solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action unless such recommendation or statement is based on the personal knowledge or records of the person furnishing it and consists of:
  - a. An evaluation of the work performance, ability, aptitude, or general qualifications of such individual; or
  - b. An evaluation of the character, loyalty, or suitability of such individual.

3. Coerce the political activity of any person (including the providing of any political contribution or service) or take any action against any employee or applicant for employment as a reprisal for the refusal of any person to engage in such political activity.
4. Deceive or willfully obstruct any person with respect to such person's right to compete for employment.
5. Influence any person to withdraw from competition for any position for the purpose of improving or injuring the prospects of any other person for employment.
6. Grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment (including defining the scope or manner of competition or the requirements for any position) for the purpose of improving or injuring the prospects of any particular person for employment.
7. Appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position any individual who is a relative (as defined in 5 U.S.C. § 3110(a)(3)) of such employee if such position is in the Agency in which such employee is serving as a public official (as defined in 5 U.S.C. § 3110(a)(2)) or over which such employee exercises jurisdiction or control as such an official.
8. Take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of:
  - a. Any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences:
    - i. Any violation of any law, rule, or regulation; or
    - ii. Gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, if such disclosure is not specifically prohibited by law and if such information is not specifically required by EO to be kept secret in the interest of national defense or the conduct of foreign affairs.
  - b. Any disclosure to the Special Counsel, or to the Inspector General of an Agency or another employee designated by the head of the Agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences:
    - i. Any violation (other than a violation of this section) of any law, rule, or regulation; or
    - ii. Gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

- c. Any disclosure to Congress (including any committee of Congress) by any employee of an Agency or applicant for employment at an Agency of information described in subparagraph b. of this policy that is:
  - i. Not classified; or
  - ii. If classified:
    - (1) Has been classified by the head of an Agency that is not an element of the intelligence community (as defined by section 3 of the National Security Act of 1947 (50 U.S.C. § 3003); and
    - (2) Does not reveal intelligence sources and methods.
- 9. Take or fail to take, or threaten to take or fail to take, any personnel action against any employee or applicant for employment because of:
  - a. The exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation:
    - i. With regard to remedying a violation of paragraph 8. of this policy; or
    - ii. Other than with regard to remedying a violation of paragraph 8. of this policy.
  - b. Testifying for or otherwise lawfully assisting any individual in the exercise of any right referred to in subparagraphs 9.a.i. or 9.a.ii. of this policy.
  - c. Cooperating with or disclosing information to the Inspector General (or any other component responsible for internal investigation or review) of an Agency, or the Special Counsel, in accordance with applicable provisions of law.
  - d. Refusing to obey an order that would require the individual to violate a law, rule, or regulation.
- 10. Discriminate for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others; except that nothing in this paragraph shall prohibit an Agency from taking into account in determining suitability or fitness any conviction of the employee or applicant for any crime under the laws of any State, of the District of Columbia, or of the United States.
- 11. Knowingly take, fail to take, recommend, or approve any personnel action if the taking of or failure to take such action would violate a veterans' preference requirement.

12. Take or fail to take any other personnel action if the taking of or failure to take such action violates any law, rule, or regulation implementing, or directly concerning, the merit system principles contained in 5 U.S.C. § 2301.
13. Implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement:
  - a. Does not contain the following statement: “These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or EO relating to: (1) classified information; (2) communications to Congress; (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling EOs and statutory provisions are incorporated into this agreement and are controlling.”; or
  - b. Prohibits or restricts an employee or applicant for employment from disclosing to Congress, the Special Counsel, the Inspector General of an Agency, or any other Agency Component responsible for internal investigation or review any information that relates to any violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or any other whistleblower protection.
14. Access the medical record of another employee or an applicant for employment as a part of, or otherwise in furtherance of, any conduct described in paragraphs 1-13 of this policy.

This policy shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress.

For purposes of paragraph 8. of this policy: (1) any presumption relating to the performance of a duty by an employee whose conduct is the subject of a disclosure as defined under 5 U.S.C. § 2302(a)(2)(D) may be rebutted by substantial evidence; and (2) a determination as to whether an employee or applicant reasonably believes that such employee or applicant has disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety that is made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee or applicant could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.

## F. NONDISCLOSURE AND WHISTLEBLOWER PROTECTION

No DoW policy, nondisclosure agreement, or directive may limit an employee's right to report prohibited personnel practices to Inspector Generals, Congress, or any other authorities permitted by law, rule, regulation, or policy.

No DoW employee shall retaliate against an employee for filing a complaint or participating in the complaint resolution process regarding allegations of violations of this policy. Prohibited retaliation includes but is not limited to harassment, taking or threatening to take an unfavorable personnel action, withholding, threatening, or recommending withholding a favorable personnel action, or any other conduct designed to punish an employee covered under this policy for filing a complaint or participating in the complaint resolution process.