



OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 300, 315, 316, 352, and 410

[Docket ID: OPM-2026-0067]

RIN: 3206-AP05

Elimination of Time-in-Grade

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) proposes eliminating the Time-in-Grade (TIG) restriction on advancement to competitive service positions in the General Schedule. Currently, employees in competitive service General Schedule positions in grades 5 and above must serve 52 weeks in grade before becoming eligible for promotion to the next grade level. Abolishing the restriction would eliminate the 52-week service requirement. If the requirement is eliminated, an employee must continue to meet occupational qualification standard requirements, and any additional job-related qualification requirements.

DATES: Comments must be received on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: You may submit comments by using the Federal rulemaking Portal: <https://www.regulations.gov>. Follow the instructions for submitting comments.

All submissions must include the agency name and docket number or RIN for this *Federal Register* document. Please arrange and identify your comments about the regulatory text by subpart and section number. If your comments relate to the supplementary information, please refer to the heading and page number in the supplementary section. All comments must be received by the end of the comment period

for them to be considered. All comments and other submissions received generally will be posted on the internet at <https://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.

As required by 5 U.S.C. 553(b)(4), a summary of this rule may be found in the docket for this rulemaking at www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Ms. Michelle Glynn at (202) 606-1571 or by email at WPIntake@opm.gov.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

TIG restrictions in 5 CFR part 300, subpart F, were established to prevent excessively rapid promotions in the competitive service. Under these provisions, employees generally must complete 52 weeks at specified lower grades before becoming eligible for promotion. On June 14, 1995 (59 FR 30717) and January 10, 1996 (60 FR 2546), OPM published proposals to eliminate time in grade. In 2008, OPM again proposed eliminating TIG and sought public comment (73 FR 6857, Feb. 6, 2008). A final rule was published in 2008 but later withdrawn (74 FR 40057, Aug. 11, 2009) before taking effect in order to consider TIG as part of a broader review of pay, performance, and staffing. OPM never finalized that review, however.

After almost 20 years, OPM has again assessed whether TIG remains necessary in light of current statutory protections (including merit system principles and prohibited personnel practices), Governmentwide qualification standards, agency merit promotion procedures, Executive Order (E.O.) 14170 titled *Reforming the Federal Hiring Process and Restoring Merit to Government Service* issued on January 20, 2025, (90 FR 8625; Jan. 31, 2025) and the Executive Office of the President and OPM joint implementing

guidance memorandum of May 29, 2025, (“Merit Hiring Plan” available at <https://www.opm.gov/chcoc/transmittals/2025/Merit%20Hiring%20Plan%205-29-2025%20FINAL.pdf>). OPM preliminarily concludes TIG is not necessary to protect merit or budgetary interests and may unduly restrict agencies’ ability to make selections based on job-related- qualifications and performance.

OPM issues this proposed rule under 5 U.S.C. 3301 and 3302 and E.O. 10577 (19 FR 7521), which authorize OPM to prescribe regulations for the competitive service. Eliminating TIG does not alter statutory qualification, classification, or competition requirements; agencies must continue to comply with 5 U.S.C. chapter 33; 5 CFR part 335; and OPM’s qualification standards.

Since the early 1950s, Federal employees in General Schedule (GS) competitive service positions at grades 5 and above have qualified for promotions to higher grades if they met two criteria: (1) have at least one year of specialized experience equivalent in difficulty to the next lower grade level or (in some cases) the equivalent education; and (2) have service of at least 52 weeks at their current grade (known as “TIG”). We propose eliminating the TIG restriction as a prerequisite for promotion.

The TIG restriction originated in a statute called the *Whitten Amendment*. Sec. 1302, Pub. L. 81-843, 64 Stat. 1066. The *Whitten Amendment* was passed by Congress in 1950 during the Korean conflict. The statute was created to prevent the permanent buildup of the civil service with expanded grade levels during the Korean conflict, as had happened during World War II.

The *Whitten Amendment* consisted of a series of personnel controls. The controls included a requirement to effect all promotions and appointments on a temporary basis to simplify adjusting personnel actions downward at the end of the conflict; to conduct an annual survey of positions to assure each was properly graded; and to implement the TIG restrictions to prevent excessively rapid promotions of Federal employees in GS

competitive and excepted service positions.

Before the *Whitten Amendment* expired, Congress sought a review by the predecessor of OPM, the Civil Service Commission (Commission), to determine whether to retain any of the provisions in the amendment. The Commission reported that the TIG restriction for competitive service GS positions had been placed in regulation and would continue even if the *Whitten Amendment* expired. The law expired September 14, 1978, and the TIG restrictions continue in regulation for competitive service GS positions.

II. Reasons for Proposed Elimination

We propose eliminating TIG for the following reasons:

-- **Grade Control No Longer Needed.** When the *Whitten Amendment* was first enacted, no effective means existed to prevent employees from advancing quickly through GS grade levels. Today, Governmentwide qualification standards, established by OPM, are in place for competitive service GS positions. (The OPM Operating Manual *Qualification Standards for General Schedule Positions* is available on the OPM web site (www.opm.gov)).

Eliminating the TIG restriction will not have an impact on how agencies now use qualification standards to evaluate candidates. Under current standards, candidates may demonstrate possession of either experience of at least one year (acquired through any paid or unpaid work or non-work setting or situation in which the experience enabled the individual to acquire the required competencies/knowledges, skills, or abilities) and/or the appropriate level of education, where allowed, as outlined in the OPM Operating Manual. Consistent with the Federal shift toward skills-based hiring, OPM is providing agencies with greater control for determining whether an employee has the skillsets needed for promotion to the next higher grade level. Agencies must continue to apply the existing requirements, including any experience at the appropriate grade level (as defined in classification standards) and any applicable education provisions.

In addition to applying OPM qualification standards, agencies may establish additional, job-related requirements for career ladder promotions, as many already do. Examples include a required level of performance, demonstration of specific job-related competencies/knowledge, skills, and abilities, evidence that higher-level duties exist, and/or confirmation that funds are available.

Eliminating the TIG requirement does not remove an agency's responsibility to determine whether a candidate is qualified to perform the essential higher-level duties. Rather, removing the 52-week waiting period reinforces the principle that promotions should be based on demonstrated ability and merit—particularly the skills and readiness needed to perform the work—rather than time served.

-- **Performance Management Accountability Continues.** Managers are responsible for ensuring there are sound performance management criteria based on job-related factors at the appropriate levels of proficiency when considering promotions of employees to higher graded duties. Eliminating the TIG requirement will help dispel the myth that promotion automatically follows a set period of time spent in a particular grade and instead emphasizes the importance of the qualification requirements, as well as the quality and level of performance needed to succeed at the next higher grade level.

Elimination would also underscore the manager's responsibility to decide which individual is best qualified to perform the essential duties of the higher-level position. Overall, eliminating time in grade will give managers the flexibility to more strategically align their human capital and the ability to more efficiently use their employees to meet the mission of the agency.

-- **Safeguards Are Now in Place.** When TIG expired in the *Whitten Amendment*, the merit system principles (title 5, United States Code (U.S.C.), section 2301) and prohibited personnel practices (5 U.S.C 2302) did not exist. Together they ensure that personnel policies and procedures uphold the merit system values that are the foundation

of the Civil Service. In the context of promotions, the merit system principles serve as safeguards and the prohibited personnel practices protect against potential misuse, because violation allegations are now investigated and prosecution is now possible.

-- **Inconsistencies Exist Among Federal Employees.** TIG applies to competitive service General Schedule (GS) employees but does not apply to competitive service employees under other pay plans, including employees in Wage Grade positions. TIG does not apply to those competitive service GS employees who apply for other competitive service positions through a competitive examination. The TIG restriction does not apply to excepted service GS employees, although individual agencies can, at their discretion, require TIG for their excepted service employees. This disparate treatment of employees under varying appointments and pay plans highlights the inequities of retaining TIG.

Eliminating TIG enables any Federal competitive service GS employee (regardless of current occupation or grade), who meets the qualification standards for a particular position, to become eligible for promotion to a competitive service GS position. Thus, promotions will have a more skills-based focus without TIG, consistent with E.O. 14170 and the Merit Hiring Plan. This can be done through a competitive examination or under an agency's internal merit promotion procedures, as applicable. Elimination also gives agencies the flexibility to continue requiring employees to meet a specified amount of time in their current grade, regardless of their qualifications.

Over the years, many demonstration projects have waived the use of TIG, especially when pay banding was incorporated. In these cases, agencies imposed their own internal policies regarding promotions that were similar to TIG. In the China Lake demonstration project, OPM data indicate workers progressed through the bands at a slower rate, at least initially, than people in the GS pay scale. (To illustrate, an employee in a competitive service GS position can sometimes receive a pay raise, a within-grade

increase, and a promotion in the same year and do so again in consecutive years, whereas a more disciplined pay system makes movement through the band less automatic and rapid.) Therefore, based on the China Lake findings and the fact that we are not aware of any widespread abuses concerning those positions that do not have a TIG requirement, we do not believe TIG elimination will lead to a large number of excessively rapid promotions Governmentwide.

-- **Labor Market Challenges Exist.** Competitive pressures in the labor market challenge the Federal Government's ability to recruit, select, and retain highly qualified employees. These pressures did not exist during the time of the *Whitten Amendment*. Applying TIG sometimes results in eliminating from consideration candidates who are in fact able to successfully perform the essential duties of the position. The merit system requires determining the qualifications of individuals; identifying appropriate recruitment sources; ensuring there is representation of all segments of society in the workforce; determining that selection and advancement are based solely on relative competencies/knowledge, skills, and ability; and ensuring that all receive equal opportunity through fair and open competition. Agencies already must meet these requirements; TIG does not enhance agency ability to recruit, select, and retain the broadest pool possible of qualified Federal employees. In fact, TIG can limit the pool of possible qualified candidates. The proposal to eliminate TIG is consistent with upholding merit principles and has the added benefit of helping agencies recruit and hire in tight labor market conditions.

-- **Agencies Gain Flexibility.** Eliminating the TIG requirement will simplify OPM and agency operations. It will remove administrative burdens because agencies will no longer need OPM approval of training agreements that provide for consecutive accelerated promotions. Also, agencies will be able to implement flexibilities, such as pay banding or new ideas proposed in demonstration projects, without being required to obtain approval from OPM to waive TIG.

Other Regulatory Changes

OPM proposes to make conforming changes in 5 CFR part 315, Career and Career-Conditional Employment; 5 CFR part 316 Subpart I, Hiring Authority for Post-Secondary Students; 5 CFR part 352, Subpart C—Detail and Transfer of Federal Employees to International Organizations; and 5 CFR part 410, Training. This proposed rulemaking would amend §§ 315.714(b)(4), 316.909(a) and (c)(iii), 316.910(d)(iv), 352.311(d), and 410.307(a) by removing all references to time in grade or 5 CFR Part 300, subpart F.

III. Regulatory Analysis

A. Statement of Need

The proposed change is needed because current rules governing advancement to a General Schedule position in the competitive service are outdated and no longer address the needs of agencies in the twenty-first century. The statutory unpinning for TIG, the *Whitten Amendment*, expired on September 14, 1978. TIG is an arbitrary and unnecessary obstacle preventing agencies from promoting qualified employees to higher-graded positions with the skill sets agencies need. Elimination of this requirement modernizes the rules pertaining to employee advancement, creates a more efficient process by allowing agencies to promote an employee when the individual first demonstrates that he or she is qualified for a higher-graded position, and thus gives agencies greater flexibility in managing their workforces.

B. Impact

OPM expects the impact of this proposed rulemaking, once finalized, will be a streamlined, more efficient and merit-based promotion process. The elimination of TIG will result in promotions based on an employee's skill sets and qualifications for the next higher grade level. This increases the impact of merit on advancement through the General Schedule grade levels by eliminating TIG, a non-merit factor. OPM expects

elimination of TIG will result in better recruitment and retention of employees because it attunes promotions in the federal sector with those in non-federal sectors.

C. Regulatory Alternatives

OPM considered leaving TIG regulations in place. We determined this was not a viable alternative. TIG rules are not merit-based because they require the passage of time (i.e., one year) before an agency could promote an otherwise qualified employee. This is inconsistent with E.O. 14170 and the Merit Hiring Plan. The requirements of the Merit Hiring Plan may result in talented employees leaving their employing agency or Federal service for positions and salaries more in line with the employee's skill sets. OPM aims to create a more efficient and modernized employee advancement process by eliminating this non-merit factor.

D. Costs

OPM estimates the proposed rule, once finalized, may require agencies to modify their merit promotion plans under 5 CFR 335.103. For this cost analysis, OPM assumed the average salary rate of Federal employees performing this work will be the rate in 2026 for GS-14, step 5, from the Washington, DC, locality pay table (\$163,104 annual locality rate and \$78.15 hourly locality rate). We assume that the total dollar value of labor, which includes wages, benefits, and overhead, is equal to 200 percent of the wage rate, resulting in an assumed labor cost of \$156.30 per hour. We estimate that, in the first year following publication of the final rule, this will require an average of 250 hours of work by employees with an average hourly cost of \$156.30. This would result in estimated costs in that first year of implementation of about \$39,075 per agency, and about \$3,126,000 in total Governmentwide. We do not believe this rule will substantially increase the ongoing administrative costs to agencies (including the administrative costs of administering the program and hiring and training new staff).

E. Benefits

This proposed rule has several benefits for agencies and their employees. Eliminating TIG gives agencies greater flexibility to apply internal, job-related experience or performance prerequisites for advancement consistent with merit system principles. TIG removal promotes consistency across the Federal workforce by lessening the differences across pay systems and appointment types and better aligning competitive service practices with excepted service and pay-banded systems (movement within the excepted service is not subject to TIG nor is movement within a payband). OPM anticipates administrative costs of implementing the proposed rule, once finalized, may be offset by eliminating agency TIG-related approvals and reviews prior to executing internal promotion actions. Agencies may experience efficiency gains by filling positions more quickly with qualified employees, and employees can advance to higher-graded positions based on their qualifications rather than having to wait one year before advancing based on their qualifications. This may improve retention of talented employees within and across agencies.

IV. Regulatory Compliance

A. 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 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 rulemaking does not reach that threshold but has otherwise been designated as a “significant regulatory action” under section 3(f) of Executive Order

12866.

B. Regulatory Flexibility Act

This proposed rule will not have a significant economic impact on a substantial number of small entities because it affects only Federal agencies and employees.

C. Federalism

This regulation 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, it is determined that this rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

D. Civil Justice Reform

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

E. Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) 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.

F. Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995, as

amended (44 U.S.C. 3501 et seq.) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule involves the following OMB-approved collections of information subject to the PRA: USAJOBS 3.0 (OMB Control Number 3206-0219).

OPM believes any additional burden associated with this final rule falls within the existing estimates currently associated with this control number. OPM does not anticipate that the implementation of this final rule will increase the cost burden to members of the public. Additional information regarding this collection of information – including all background materials – can be found at <https://www.reginfo.gov/public/do/PRAMain> by using the search function to enter either the title of the collection or the OMB Control Number.

List of Subjects

5 CFR Part 300

Freedom of information, Government employees, Reporting and recordkeeping requirements, Selective Service System.

5 CFR Part 315

Government employees.

5 CFR Part 316

Employment, Government employees.

5 CFR Part 352

Administrative practice and procedure, Government employees.

5 CFR Part 410

Education, Government employees.

Signing Statement

The Director of OPM, Scott Kupor, 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.

U.S. Office of Personnel Management

Jerson Matias
Federal Register Liaison

Accordingly, OPM proposes to amend 5 CFR parts 300, 315, 316, 352, and 410 as follows:

PART 300—EMPLOYMENT (GENERAL)

1. Revise the authority citation for part 300 to read:

AUTHORITY: 5 U.S.C. 552, 2301, 2302, 3301, and 3302; E.O. 10577, 19 FR 7521, 3 CFR, 1954-1958 Comp., page 218, unless otherwise noted.

Secs. 300.101 through 300.104 also issued under 5 U.S.C. 7201, 7204, 7701; E.O. 11478, 34 FR 12985, 3 CFR, 1966-1970 Comp., page 803; E.O. 13087, 63 FR 30097, 3 CFR 1998 Comp., p. 191; and E.O. 13152, 65 FR 26115, 3 CFR 2000 Comp., p. 264.

Sec. 300.301 also issued under 5 U.S.C. 3341 and E.O. 13562, 75 FR 82585, 3 CFR 2010 Comp., p. 291.

Secs. 300.401 through 300.408 also issued under 5 U.S.C. 1302(c).

Secs. 300.501 through 300.507 also issued under 5 U.S.C. 1103(a)(5).

Subpart F—[Removed and Reserved]

2. Remove and reserve subpart F, consisting of §§300.601 through 300.606.

PART 315—CAREER AND CAREER-CONDITIONAL EMPLOYMENT

3. The authority citation for part 315 continues to read as follows:

Authority: 5 U.S.C. 1302, 3301, and 3302. E.O. 10577, 19 FR 7521, 3 CFR, 1954-1958

Comp., p. 218; E.O. 14284, 90 FR 17729.

Secs. 315.601 and 315.609 also issued under 22 U.S.C. 3651 and 3652.

Secs. 315.602 and 315.604 also issued under 5 U.S.C. 1104.

Sec. 315.603 also issued under 5 U.S.C. 8151.

Sec. 315.605 also issued under 22 U.S.C. 2051, 42 U.S.C. 2991.

Sec. 315.606 also issued under E.O. 11219, 30 FR 6381, 3 CFR, 1964-1965 Comp., p. 303.

Sec. 315.607 also issued under 22 U.S.C. 2560.

Sec. 315.608 also issued under E.O. 12721, 55 FR 31349, 3 CFR, 1990 Comp., p. 293.

Sec. 315.610 also issued under 5 U.S.C. 3304(c).

Sec. 315.611 also issued under 5 U.S.C. 3304(f).

Sec. 315.612 also issued under 5 U.S.C. 3330d.

Sec. 315.613 also issued under 5 U.S.C. 9602.

Sec. 315.710 also issued under E.O. 12596, 52 FR 17537, 3 CFR, 1987 Comp., p. 264.

Subpart I also issued under 5 U.S.C. 3321, E.O. 12107, 44 FR 1055, 3 CFR, 1978 Comp., p. 264.

Subpart G—Conversion to Career or Career-Conditional Employment From Other Types of Employment

4. Amend § 315.714 by revising paragraphs (b)(2) and (b)(3) and removing paragraph (b)(4).

§ 315.714 Conversion based on service in a post-secondary student appointment under part 316, subpart I, of this chapter.

* * * * *

(b)* * *

(2) Have completed not less than 640 hours of current continuous employment in an appointment under § 316.902 of this chapter; and

(3) Meet the OPM qualification standards for the position to which the student will be converted.

* * * * *

PART 316—TEMPORARY AND TERM EMPLOYMENT

5. The authority citation for part 316 continues to read as follows:

Authority: 5 U.S.C. 3301, 3302, 3316. E.O. 10577, 19 FR 7521, 3 CFR, 1954-1958 Comp., p. 218; E.O. 14284, 90 FR 17729. 5 CFR 2.2(c).

Subpart I—Hiring Authority for Post-Secondary Students

6. Revise § 316.909 paragraphs (a) and (c) to read as follows:

§ 316.909 Promotion.

(a) *Students on term appointments.* An agency may promote a student who was appointed for an initial period expected to last more than 1 year but less than 4 years provided the student meets the qualification requirements for the higher graded position, and the public notification for the position filled by the student stated the potential for promotion and specified a career ladder.

* * * * *

(c) *Promotions at the time of conversion.* Students (on temporary or term appointments) may be eligible for non-competitive promotions upon conversion if:

(1) the agency has established a career ladder or promotion potential for the position; and

(2) the public notification for the position filled by the student stated the potential for promotion and specified a career ladder.

7. Amend § 316.910 by revising paragraphs (b) and (c) and removing paragraph (d). The revisions read as follows:

§ 316.910 Conversion.

* * * * *

- (b) Has completed not less than 640 hours of current continuous employment in an appointment under § 316.902; and
- (c) Meets the OPM qualification standards for the position to which the student will be converted.

PART 352—REEMPLOYMENT RIGHTS

Subpart C—Detail and Transfer of Federal Employees to International Organizations

- 8. The authority citation for part 352, subpart C, is revised to read as follows:

Authority: 5 U.S.C. 3584. E.O. 11552, 35 FR 13569, 3 CFR 1966-1970 Comp., p. 954.

Section 352.313 also issued under 5 U.S.C. Ch. 77.

- 9. Revise § 352.311(d) to read as follow:

§ 352.311 Reemployment.

* * * * *

(d) The period of separation caused by the employment of the employee with the international organization and the period necessary to effect reemployment are creditable service for all appropriate civil service employment purposes (e.g., tenure, service computation date, retirement). Employees, upon return, are also entitled to restoration of any sick leave.

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PART 410—TRAINING

- 9. The authority citation for part 410 continues to read as follows:

Authority: 5 U.S.C. 1103(c), 2301, 2302, and Ch. 41. E.O. 11348, 32 FR 6335, 3 CFR, 1967 Comp., p. 275; E.O. 11478, 34 FR 12985, 3 CFR, 1966-1970 Comp., page 803, unless otherwise noted; E.O. 13087, 63 FR 30097, 3 CFR, 1998 Comp., p. 191; and E.O. 13152, 65 FR 26115, 3 CFR, 2000 Comp., p. 264.

Subpart C—Establishing and Implementing Training Programs

10. Amend § 410.307(a) by revising paragraphs (1) and (2) and removing paragraph (3) to read as follows:

§ 410.307 Training for promotion or placement in other positions.

(a) * * *

(1) Agency authority to modify qualification requirements in certain situations as provided in the OPM Operating Manual for Qualification Standards for General Schedule Positions; and

(2) Agency authority to establish training programs that provide intensive and directly job-related training to substitute for all or part of the experience (but not education, licensing, certification, or other specific credentials), required by OPM qualification standards. Such training programs may be established to provide employees with the opportunity to acquire the experience and knowledge, skills, and abilities necessary to qualify for another position (including at a higher grade) at an accelerated rate.

* * * * *