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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 315 and 751

[Docket ID: OPM–2025–0013]

RIN 3206–AO96

Streamlining Probationary and Trial Period Appeals; Correction and Technical Amendment

AGENCY: Office of Personnel Management.

ACTION: Final rule; correction and technical amendment.

SUMMARY: The Office of Personnel Management (OPM) published a final rule in the **Federal Register** on August 3, 2026, streamlining probationary and trial period appeals. That document contained typographical and clerical errors in the regulatory text. This document corrects the final rule. This document also makes a technical amendment to OPM regulations to conform its appeal-rights reference to the final rule.

DATES: Effective September 2, 2026.

FOR FURTHER INFORMATION CONTACT: Aaron Gottesman, Senior Advisor to the Director, by email at employeeaccountability@opm.gov or by phone at (202) 606–7400.

SUPPLEMENTARY INFORMATION: OPM published a final rule on August 3, 2026 (91 FR 49104; FR Doc. 2026–15654), establishing 5 CFR part 751 and making related amendments. The document contained clerical errors, including references to “this subpart” in a part that contains no subparts, a doubled conjunction in § 751.102(c)(2), a misplaced paragraph structure in § 751.103(b), the use in § 751.104(c) of the term “responsible agency,” which is undefined in part 751 (the term is defined only in § 731.503(b)(2), for purposes of part 731, subpart E), and minor typographical errors. This document corrects those errors. The corrections are non-substantive and

make no change to the rights or obligations established by the final rule.

This document also amends § 315.909(b). The final rule revised § 315.908(b) to provide that an employee who alleges that an action under subpart I of part 315 was based on partisan political reasons or marital status may appeal to OPM under new 5 CFR part 751, and § 751.101(e) establishes that the procedures in part 751 are the sole means of appealing a covered action while preserving matters within the independent jurisdiction of other bodies.

The last sentence of § 315.909(b), however, continues to state that an employee who believes an action under subpart I was based on improper discrimination or other prohibited practices under 5 U.S.C. 2302 may appeal to the Merit Systems Protection Board or the Equal Employment Opportunity Commission. That sentence is inconsistent with revised §§ 315.908(b) and 751.101(e), and this document conforms it, effective concurrently with the final rule. Pursuant to 5 U.S.C. 553(b)(B), OPM finds that good cause exists to make this technical, conforming amendment without prior notice and comment because notice and comment are unnecessary for a non-substantive change that conforms the paragraph to a rule previously promulgated; for the same reasons, and pursuant to 5 U.S.C. 553(d)(3), good cause exists for the amendment to take effect with the underlying rule on September 2, 2026.

Regulatory Review

OPM has examined this rule under Executive Orders 12866 and 13563. For the reasons discussed above, this rule is not a significant regulatory action under Executive Order 12866. This is not an E.O. 14192 regulatory action because this rule is not significant under E.O. 12866.

List of Subjects in 5 CFR Part 315

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.

Office of Personnel Management.

Jerson Matias,
Federal Register Liaison.

Correction

In FR Doc. 2026–15654, appearing on page 49072 in the **Federal Register** of Monday, August 3, 2026, the following corrections are made:

PART 315 [CORRECTED]

■ 1. On page 49111, in the second column, in amendatory instruction 6, in the authority citation for part 315, remove “Comp., p.111.” and add in its place “Comp., p. 111.”.

§ 751.101 [Corrected]

- 2. On page 49112, in the first and second columns, in § 751.101:
 - a. In paragraph (b)(1), remove “written appeal,” and add in its place “written appeal;”;
 - b. In paragraph (b)(2), remove “over the appeal, and” and add in its place “over the appeal; and”;
 - c. In paragraph (b)(3), remove “The agency’s action was” and add in its place “That the agency’s action was”; and
 - d. In paragraph (e), remove “or Office of Special Counsel” and add in its place “or the Office of Special Counsel”.

§ 751.102 [Corrected]

- 3. On page 49112, in the third column, in § 751.102(c)(2), remove “unless registered as an e-filer unless exempted” and add in its place “unless registered as an e-filer or exempted”.
- 4. On page 49113, in the second column, in § 751.103, paragraph (b) is corrected to read as follows:

§ 751.103 [Corrected]

(b) *Agency response.* (1) The agency response to an appeal must be filed within 30 calendar days after service of the initial appeal and contain:

- (i) The name of the appellant and of the agency whose action the appellant is appealing;
- (ii) A statement identifying the agency action taken against the appellant and stating the reasons for taking the action;
- (iii) All documents contained in the agency record of the action;
- (iv) Designation of and signature by the authorized agency representative; and
- (v) Any other documents or responses requested by OPM.

(2) The agency's 30 days to respond begins upon service of the appeal.

(3) The agency record of the action shall include, at a minimum:

(i) All documents considered or relied upon by the agency in taking the action;

(ii) The notice of action and effective date;

(iii) Documents showing the appellant's appointment, service history, and probationary or trial period status;

(iv) Any written certification, noncertification, or failure-to-certify record under 5 CFR part 11;

(v) Any documents supporting the agency's basis for the action under appeal; and

(vi) A certification that the agency has produced the complete record considered by the deciding official or otherwise relied upon by the agency.

(4) The agency must produce the complete agency record to OPM. The agency must serve the appellant with the agency record, except that the agency may redact or withhold information from the copy served on the appellant to the extent necessary to comply with the Privacy Act, applicable legal privileges, classified information or national security requirements, protective orders issued by OPM, and any other applicable limitation on disclosure required by law.

§ 751.104 [Corrected]

■ 5. On page 49113, in the third column, in § 751.104(c), remove "OPM or the responsible agency may" and add in its place "OPM or the agency whose action is under appeal may", and remove "an employee of the responsible agency or OPM" and add in its place "an employee of that agency or OPM".

§ 751.105 [Corrected]

■ 6. Starting on page 49113, in the third column, in § 751.105(a) and (b), remove "an appeal under this subpart" and add in its place "an appeal under this part".

§ 751.107 [Corrected]

■ 7. On page 49114, in the third column, in § 751.107(a), remove "issued under this subpart" and add in its place "issued under this part".

§ 751.109 [Corrected]

■ 8. On page 49115, in the second column, in § 751.109(f), remove "a proceeding under this subpart" and add in its place "a proceeding under this part".

Technical Amendment

Accordingly, for the reasons stated in the preamble, OPM amends 5 CFR part 315 as follows:

PART 315—CAREER AND CAREER-CONDITIONAL EMPLOYMENT

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

Authority: 5 U.S.C. 1302, 3301, and 3302. E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218, unless otherwise noted; 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 E.O. 12034, 43 FR 1917, 3 CFR, 1978 Comp., p. 111. 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 E.O. 13473, 73 FR 56703, 3 CFR, 2009 Comp., p. 241. 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—Probation on Initial Appointment to a Supervisory or Managerial Position

■ 10. Amend § 315.909 by revising paragraph (b) to read as follows:

§ 315.909 Relationship to other actions.

* * * * *

(b) An action which demotes an employee to a lower grade than the one the employee left to accept the supervisory or managerial position, and an action against an employee for reasons other than supervisory or managerial performance, is governed by procedures under part 432 or 752 of this chapter, whichever is applicable. This section does not preclude an employee from filing a complaint, appeal, or other matter within the independent jurisdiction of the Equal Employment Opportunity Commission, the Merit Systems Protection Board, or the Office of Special Counsel, consistent with § 751.101(e) of this chapter.

[FR Doc. 2026–17336 Filed 8–24–26; 8:45 am]

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 316, 330, 351, 353, and 430

[Docket ID: OPM–2026–0107]

RIN 3206–AO86

Reduction in Force; Correction

AGENCY: Office of Personnel Management.

ACTION: Final rule; correction.

SUMMARY: The Office of Personnel Management (OPM) published a final rule in the **Federal Register** on August 3, 2026, concerning reduction in force. That document contained typographical and clerical errors in amendatory instructions and in the regulatory text. This document corrects the final rule.

DATES: Effective September 2, 2026.

FOR FURTHER INFORMATION CONTACT:

Aaron Gottesman, Senior Advisor to the Director, by email at employeeaccountability@opm.gov or by phone at (202) 606–7400.

SUPPLEMENTARY INFORMATION: OPM published a final rule on August 3, 2026 (91 FR 49178; FR Doc. 2026–15665), amending 5 CFR parts 316, 330, 351, 353, 359, 362, and 430. The document contained typographical and clerical errors, including: amendatory instructions that do not match the current text or structure of the Code of Federal Regulations (instruction 15 directs the addition of § 330.707(w), which already exists as "[Reserved]"; instruction 36 directs revision of introductory text of § 351.802(a), which has no introductory text; and instruction 39 quotes text for removal from § 353.110(a)(1) that does not match the Code of Federal Regulations); incorrect "of this part" references to §§ 11.2 and 11.3 of this title, which are located in 5 CFR part 11; a defective list structure in the definition of "Qualified" in § 330.202 and in § 351.702(a)(4)(iv); and citation-form errors.

This document also corrects typographical and cross-reference errors in provisions of 5 CFR part 316, which the final rule likewise amended: § 316.301(c)(1) refers to a covered position "defined in (2)" rather than "defined in paragraph (c)(2) of this section"; § 316.402(b)(4) reads "30 percent or more" rather than "30 percent or more"; § 316.403(b)(1) cites § 316.402(b)(5) as the authority for noncompetitive temporary appointments of disabled veterans, although that paragraph concerns appointment under 31 U.S.C. 732(g) for current and former employees of the General Accounting Office and the correct citation is § 316.402(b)(4), appointment under 5 U.S.C. 3112 (veterans with compensable service-connected disability of 30 percent or more); § 316.403(b)(2) cites section 4114 of title 38, United States Code, which was repealed by Public Law 102–40 (May 7, 1991) and replaced by section 7405 of title 38, the current authority for temporary appointments of nurses in the Department of Veterans Affairs; and § 316.403(b)(3) ends with a period rather than a semicolon. This document adds