

INDIAN AFFAIRS MANUAL

Part 28
Chapter 4

Human Capital Management
Probationary and Trial Periods

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- 1.1 Purpose.** This policy provides guidance on the administration of probationary periods in the competitive service and trial periods in the excepted service, and sets forth when each is appropriate and for what type of appointment.
- 1.2 Scope.** This policy applies to all programs and offices under the authority of the Assistant Secretary - Indian Affairs (AS-IA), including AS-IA offices, the Bureau of Indian Affairs (BIA) and Title V employees in the Bureau of Indian Education (BIE).

This policy does not apply to the Senior Executive Service (SES) or employees serving temporary limited positions.

- 1.3 Policy.** Probationary and trial periods will be fully utilized by supervisors to evaluate the effectiveness of new employees and new supervisors. A probationary period is for one (1) year for competitive service employees, while a trial period is for two (2) years for excepted service employees. Probationary and trial periods will be utilized as the final phase of the hiring process in which the appointee's actual performance of the duties and responsibilities of the position to which appointed can be observed and assessed. Supervisors will determine the fitness of an employee for continued employment and may terminate him/her at any time during this period if he/she fails to demonstrate acceptable performance and conduct.

1.4 Authority.

A. Statutes and Regulations.

- 1) 5 USC § 3321, Competitive Service; probationary period
- 2) 5 USC § 7511, Adverse Actions, employee defined
- 3) 5 CFR Part 315, Subpart H, Probation on Initial Appointment to a Competitive Position, and Subpart I, Probation on Initial Appointment to a Supervisory or Managerial Position
- 4) 5 CFR Part 351.502, Order of retention – excepted service
- 5) 5 CFR Part 316, Temporary and Term Employment; trial period
- 6) 5 CFR Part 213, Excepted Service
- 7) 5 CFR Part 302, Employment in the Excepted Service

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1.5 Responsibilities.

- A. **Deputy Assistant Secretary - Indian Affairs (Management) (DASM)** is responsible for administering this policy across Indian Affairs (IA).
- B. **Office of Human Capital Management** is responsible for providing information and guidance to supervisors, managers, and employees regarding this process, and notifying each newly appointed employee in their official offer letter which they will serve – a probationary or trial period.
- C. **Supervisors** are responsible for establishing and communicating performance and conduct requirements to probationary and trial employees; and helping employees to succeed through providing appropriate training and guidance. Supervisors should evaluate performance on a regular basis, provide employees feedback, and take steps to terminate probationary or trial employees who, after a reasonable period of time, do not meet acceptable performance or conduct standards.

1.6 Definitions.

- A. **Probationary period** is typically the first year of service for an employee in the competitive service who is given a career or career conditional appointment during which time an agency may determine an individual's fitness and qualifications for continued employment, and may terminate the individual with limited appeal rights. In addition, upon initial appointment to a supervisory position, an employee must satisfactorily complete a one-year probationary period.
- B. **Trial Period** is a period for two years in the excepted service which has the same purpose of a probationary period in the competitive service. The first year of service of a term employee is a trial period regardless of the method of appointment.
- C. **Supervisor** is an employee who oversees and provides direction to other employees, and performs at least the minimum supervisory duties required for coverage under the OPM Supervisory Position Evaluation guide.

1.7 Standards, Requirements, and Procedures.

The following timeframes pertain to all General Schedule and Wage Grade recruitments in IA organizations (AS-IA, BIA, and BIE):

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APPOINTMENT	TYPE OF REVIEW PERIOD	LENGTH OF TIME
Competitive Service – Permanent	Probationary Period	1 Year
Term – regardless of appointment method (Competitive or Excepted)	Trial Period	1 Year
Excepted Service – Preference Eligible Veterans	Trial Period	1 Year
Excepted Service – All Others including Non-Preference Eligible Veterans and Indian Preference initial appointment pending conversion to the competitive service	Trial Period	2 Years
Temporary Appointments	No Probationary or Trial Period	None

Normally, during the probationary or trial period, employees can be terminated for any perceived deficiency in performance or conduct with minimal procedural requirements. The supervisor does not have to wait until the end of the probationary period to initiate action.

Even though an employee may be on a probationary or trial period, the employee may have acquired full procedural and appeal rights based on prior Federal civilian service. This prior service (which includes non-appropriated Fund service) counts towards the completion of the probationary or trial period when the prior service:

- is in the same agency (with agency meaning “Department of the Interior”);
- is in the same line of work (as determined by actual duties and responsibilities); and
- contains or is followed by no more than a single break in service that does not exceed 30 calendar days.¹

¹ These conditions apply to an employee in the competitive service; in the excepted service, prior service may have been in any agency, but with no break in service.

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When an employee's initial appointment to Federal service is to a supervisory position in either the competitive or excepted service, then the employee is required to serve both the supervisory probationary period as well as either a one (1) year probationary period or two (2) year trial period; these are served concurrently. Successful completion of the first year satisfies the one (1) year supervisory probationary period.

New employees, including supervisors, will receive one (1) of the following paragraphs in their official letter prior to the start of their employment, as determined by the type of appointment being offered:

“As a new employee serving on a competitive service appointment in the Federal civil service, you will be required to complete a one-year probationary period. This period provides your supervisor with an opportunity to assess your conduct and job performance. Please note that an employee serving on a probationary period may be terminated at any time during this period, with limited appeal rights for unacceptable job performance or unacceptable conduct.”

Or

“As a new employee serving on an excepted service appointment in the Federal civil service, you will be required to complete a two year trial period. This period provides your supervisor with an opportunity to assess your conduct and job performance. Please note that an employee serving on a trial period may be terminated at any time during this period, with limited appeal rights, for unacceptable conduct.”

In addition, new supervisors should also receive the following language in their official offer letters:

“As a new supervisory employee serving on a competitive or excepted appointment in the Federal civil service, you will be required to complete a one-year probationary period. This period provides your supervisor with an opportunity to assess your conduct and job performance. Please note that an employee serving on a supervisory probationary period may be removed from his/her position and placed in a position of no lower grade and pay than the position the employee left to accept the current supervisory position.”

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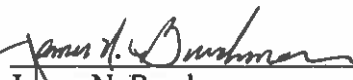
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All new appointment personnel actions within IA must document the proper type and length of probationary or trial period, based on the chart above, in the remarks section of the Standard Form (SF)-50, "Notification of Personnel Action."

Approval



James N. Burckman
Acting Deputy Assistant Secretary – Indian Affairs (Management)

4/12/17

Date