

Directive 320.1
12/13/93

PROBATIONARY OR TRIAL PERIODS FOR NEW APPOINTMENTS

I. This Directive specifies:

PURPOSE

A. The considerations surrounding an employee's probationary or trial period.

B. The supervisor's responsibility to provide guidance and assess employees' performance and conduct during the period.

C. The criteria for termination of probationary or trial employees.

D. The reporting procedures on Form AD-507, Probationary or Trial Period Report (see Attachment 1).

II.

REFERENCES

The provisions for probationary or trial period regulations are contained in the Federal Personnel Manual (FPM), Chapter 315, Subchapter 8. Further information about probationary or trial periods can be found in the Manager's Guide to Handling Employee Performance and Conduct and the AMS Employee Orientation Handbook.

III.

POLICY

The probationary or trial period is the final, most significant step in the hiring process for new employees. It is the policy of the Agricultural Marketing Service (AMS) to use the probationary or trial period as an opportunity to train new employees in job responsibilities; observe on-the-job conduct and performance to determine suitability; retain employees whose performance and conduct is fully acceptable; separate, without undue formality, those employees whose performance or conduct is deficient after a "full and fair trial"; and document the Agency's recommendation for retention or separation on Form AD-507.

IV.

DEFINITIONS

A. Probationary periods or trial periods are periods of time during which employees' conduct and performance is evaluated. They serve as an opportunity for new employees to prove fitness for the job and for the Agency to evaluate employees' suitability for the position.

B. Full and fair trial refers to the opportunity given to employees on a probationary or trial period to learn and perform the duties expected of them on the job. A full and fair trial is any length of time within the 1-year probationary or trial period that it takes for the Agency to appraise employees' post-appointment performance, conduct, character, and suitability, in order to make a decision as to whether they should be retained or separated. Probationary or trial periods are 1 year in length and cannot be extended, except in certain limited circumstances (see Section VI.B., below).

C. Same line of work means that the duties performed are similar in nature and character and require substantially the same qualifications, so that an employee could be interchanged between the positions without significant training or undue interruption to the work. This definition will be interpreted strictly for positions within AMS, except positions within an established career ladder (identified in AMS Directive 302.1, Merit Promotion Plan). That is, career ladder positions are considered in the "same line of work" although they may be at different grade levels.

V. APPLICABILITY OF PROBATIONARY AND TRIAL PERIODS

A. With rare exceptions, all permanent employees in the competitive service must serve a 1-year probationary period, and all permanent employees in the excepted service must serve a 1-year trial period. Generally, the 1-year probationary or trial period begins on the effective date of employees' permanent appointments.

B. Most employees serve only one probationary or trial period; however, in some cases, employees may be required to serve a second period despite prior completion. The most common example of this is when employees are selected from Office of Personnel Management (OPM) Certificates of Eligibles for second or subsequent positions. In these situations, the amount of prior service (all, some, or none) that may be counted toward completion of the new probationary or trial period may vary and must be determined on a case-by-case basis (see Section VI., below).

C. The probationary or trial period for newly appointed supervisors/managers is a separate requirement, and is covered by AMS Directive 321.1, Probation on Initial Appointment to a Supervisory or Managerial Position.

D. Questions on exceptions and applicability should be addressed to the appropriate servicing specialist in Human Resources Operations, Human Resources Division, Animal and Plant Health Inspection Service.

VI. DETERMINING CREDITABLE SERVICE

A. Prior service is creditable toward completion of the 1-year period when all three of the following conditions apply:

1. The prior service precedes the probationary appointment and contains a break in service of 30 calendar days or less; and
2. The prior service is in the same Federal Agency (i.e., the U.S. Department of Agriculture); and
3. The prior service is in the same line of work as the position in which the employee is subject to probation.

B. Absence in a nonpay status in excess of 22 workdays (with the exception of military duty and compensable injury) extends the probationary or trial period by an equal amount.

C. The effects of prior service and nonpay time are explained in detail in FPM Chapter 315. Since FPM guidelines are not available in all AMS offices, supervisors and employees should contact their servicing personnel office to be advised of a probationary or trial period completion date for employees with previous creditable service or with nonpay time such as furlough and excess leave without pay. This is an essential step for supervisors contemplating termination of an employee.

NOTE: The beginning date of the probationary or trial period is reflected on Form SF-50B, Notification of Personnel Action. Supervisors should check the date on this form before routing it to employees. Questions should be referred to the appropriate servicing personnel office.

D. The term "same line of work," used in the FPM guidelines for determining creditable service (FPM, Chapter 315, Appendix A), will be interpreted in the strictest sense for AMS positions (see Section IV.C., above).

VII. It is the responsibility of supervisors to ensure
SUPERVISORY that employees have every reasonable opportunity
RESPONSI- to achieve success on the job. Specifically,
BILITIES supervisors should:

A. Notify employees of the probationary/trial period requirements during the first week of employment.

B. Inform employees of job expectations in both performance and conduct. Employees must be provided performance standards, information on workplace policies and procedures, and guidelines on employee responsibilities and conduct. Performance standards should be discussed with employees to ensure that they understand the duties, responsibilities, and expectations associated with the job.

C. Counsel and provide feedback concerning performance and conduct to employees on a regular basis. A formal evaluation process may be established to provide monthly or quarterly appraisals that would ensure employees are receiving regular feedback. It is crucial that employees know how and where they are or are not meeting expectations. If a performance or conduct problem becomes apparent, supervisors should provide training or assistance to remedy the situation, as appropriate.

D. Gather documentation throughout employees' probationary or trial periods reflecting both good and bad performance and conduct. Document offers of assistance, guidance, and training which show the supervisor provided the employee an opportunity to demonstrate acceptable performance.

VIII. A. Inquiries regarding possible termination during
SEPARATION the probationary or trial period should be directed
OF EMPLOYEE from supervisors, through internal administrative
FOR POST- channels, to the Employee Relations Branch (ERB),
APPOINTMENT Personnel Division, at any time during the period.
REASONS

B. Supervisors may request the termination of an employee for post-appointment reasons by sending a memorandum, along with any supporting documentation (see paragraph C. below), through internal administrative channels to ERB. The request should be made as soon as possible before the end of the probationary or trial period so the termination may be accomplished without the use of the more complex adverse action procedures.

C. Generally, a request for action to terminate should be supported by documentation making it clear that the employee received a "full and fair trial." The documentation should specifically and in detail state:

1. How the employee was made aware of the performance/conduct expectations in question;
2. Guidance and training given to the employee;
3. Counseling given to the employee regarding specific conduct and/or performance deficiencies;
4. Opportunities for improvement given to the employee; and
5. Details regarding the performance/conduct deficiencies.

In some instances, the performance or conduct problem may be so serious that no advance counseling or opportunity to improve is appropriate (e.g., poor performance that causes great financial loss, danger to life, etc.). In these cases, termination may be based on full documentation of the specific instances of misconduct or poor performance alone.

D. If the documentation supports termination action, a termination letter will be prepared by the Personnel Division for signature by the official to whom signatory authority has been delegated in the appropriate Division. This letter will state the reasons for the termination, the effective date, and the employee's limited appeal rights, if any.

IX. TERMINATION FOR PRE-APPOINTMENT REASONS

A. When an employee is to be terminated for reasons based in whole or in part on something that occurred prior to appointment (e.g., falsification of application forms or other pre-appointment documents), the employee is entitled to advance written notice stating the reasons for the proposed termination and a reasonable timeframe to provide ERB with any affidavits or other material for consideration.

B. If, after giving the employee's answer bona fide consideration, the Agency decides to proceed with the termination, the employee must be notified in writing at or before the time the action will be made effective. The notice must clearly state the reasons for the termination and the employee's limited appeal rights, if any.

L.P. Massaro
Deputy Administrator, Management

Attachment

REPORTING PROCEDURES
Form AD-507, Probationary or Trial Period Report

I. General

Form AD-507 is used to document new employees' performance and conduct and the Agency's recommendation for retention or separation. The National Finance Center (NFC) automatically issues Form AD-507, with items 1 through 11 completed, after employees have served 7 months of the probationary or trial period. Form AD-507 should be acted upon promptly at each level of authority so that any action which may be required can be accomplished in a timely manner. It is important to recognize that any separation action is not dependent upon the completion of Form AD-507. Requests to separate employees may be made at any point in the probationary or trial period.

II. Responsibilities

A. The servicing administrative office will receive Form AD-507 from NFC and forward it through internal channels to the employee's supervisor.

B. The supervisor will, no earlier than the 9th month but no later than the 10th month of the probationary or trial period, complete items 12 through 19 on the Form AD-507 and forward it to the reviewing official (see paragraph C., below). Once the reviewing official has signed the Form AD-507, the rating supervisor will:

1. If the report is satisfactory, discuss it with the employee and forward it to the appropriate custodian of the Employee Performance File (EPF).
2. If the report recommends separation of the employee, immediately contact the Employee Relations Branch (ERB), Personnel Division, for further guidance.
3. Continue to observe the employee's performance and report any significant change which would affect the appraisal or the recommendation for retention or separation to ERB before the end of the probationary or trial period.

C. The reviewing official (usually the employee's second-level supervisor) will review the supervisor's evaluation and recommendation, make any additional comments, resolve any difference of opinion with the supervisor, sign the report, and return it to the rating supervisor.

D. The EPF custodian will file the original Form AD-507 and any supporting documents in the EPF for a 3-year period. Also, the custodian will distribute the second (blue) copy of Form AD-507 to either the employee or the supervisor, in accordance with Division policy.

