

## APF CIVILIAN PROBATIONARY/TRIAL PERIOD COMMON QUESTIONS

REFERENCES: 5 CFR 315 and AFI 36-1001

### WHAT IS THE PURPOSE OF THE PROBATIONARY OR TRIAL PERIOD FOR NEWLY APPOINTED EMPLOYEES?

To determine the employee's fitness or qualifications for continued Federal service. The one-year probation is considered an extension of the pre-employment examination process. Fitness refers to both performance and conduct issues. (See 5 CFR 315.803)

### WHAT IS THE LENGTH OF THE PROBATIONARY OR TRIAL PERIOD FOR NEWLY APPOINTED EMPLOYEES?

One year of service, including up to 22 workdays of nonpay time. Nonpay time in excess of 22 workdays extends the probationary period by an equal amount, unless the nonpay time is due to a compensable injury or military service, in which case the time is fully creditable upon the employee's restoration to Federal service. (see 5 CFR 315.802)

### CAN THE INITIAL PROBATIONARY OR TRIAL PERIOD BE EXTENDED?

No. Normally, the probationary period ends on the day before the anniversary of the appoint. The exception due to nonpay time in excess of 22 workdays, as explained above.

### CAN THE INITIAL PROBATIONARY PERIOD FOR NEWLY APPOINTED EMPLOYEES BE COMPLETED BEFORE ONE YEAR?

No; however, prior Federal service counts toward completion of the one year probationary if it was rendered immediately preceding the career-conditional appointment; if the prior service was in the same agency and in the same line of work; and if there was no more than one break in service of less than 30 days.

### IF AN EMPLOYEE COMPLETED PROBATION DURING PRIOR FEDERAL SERVICE, IS ANOTHER PROBATIONARY PERIOD REQUIRED UPON A NEW APPOINTMENT?

A new probationary period is required if the employee is again hired from a civil service register. It must be noted, however that an employee who previously completed probation in prior Federal service be my hired using reinstatement procedures, thereby avoiding the requirement for a new probationary period.

### WHAT IS THE DIFFERENCE BETWEEN A PROBATIONARY PERIOD AND A TRIAL PERIOD?

Both constitute the first year of appointment and both are intended to determine fitness for continued Federal service. The probationary period applies to employees who are given a career or career-conditional appointment, whereas trial period applies to certain time-limited appointments of more than one year,

such as a term appointment. As with the probationary employee, an agency may terminate a trial period employee at any time during the trial if the employee has performance or conduct problems. The termination procedures in 5 CFR 315.804 and 315.805 and the appeal rights in 5 CFR 315.806 apply to both probationary and trial period employees.

#### WHAT HAPPENS TO AN EMPLOYEE WHO FAILS PROBATION?

The employee may be terminated in accordance with the procedures in 5 CFR 315.804 or 315.805 and AFI 36-1001. Management may also consider reassignment or demotion, if appropriate. The effective date of the termination must be no later than the end of the employee's last duty day prior to the anniversary of his/her appointment. Management should contact the Civilian Personnel Office as soon as it is evident the probationary employee is having performance or conduct problems.

#### WHAT APPEAL RIGHTS DOES A TERMINATED PROBATIONARY EMPLOYEE HAVE?

The termination notice, which should be coordinated with the Civilian Personnel Office, must inform the employee of the right to appeal to the Merit Systems Protection Board (MSPB) within 30 days of the effective date of the termination.

The right to appeal to MSPB, however, is limited to the following issues:

(1) The employee's belief that the termination was based on partisan political reasons or marital status, or (2) on improper procedure if the termination was for conditions arising before appointment. MSPB may allow an appeal alleging another form of discrimination providing that issue was raised in addition to (1) or (2), above.

#### WHAT IS THE PURPOSE OF THE SUPERVISORY/MANAGERIAL PROBATION, AND WHAT HAPPENS IF THE EMPLOYEE FAILS THE PROBATION?

The purpose is to determine whether the employees have the skills necessary for continued service as a supervisor or manager. Failure to complete this probationary period means the employee must be returned to a no supervisory or no managerial position of no lower grade and pay than the one left. Furthermore, such a demotion is not considered an adverse action, and the employee has only limited rights to appeal the action. A key point to remember is that demotion to a no supervisory or no managerial position can only be for reasons directly related to performance as a supervisor or manager; if for other reasons, the agency must use adverse action procedures to effect the demotion.

#### WHAT IS THE LENGTH OF THE SUPERVISORY/MANAGERIAL PROBATION?

Each agency determines the length of this probation, and different probationary periods may be established for different occupations, or a single period for all occupations. Agencies also have the authority to prescribe a minimum and maximum period; e.g., at least six but not more than 12 months. As with the probationary period for initial appointment to Federal service, nonpay time in

excess of 22 workdays extends the supervisory or managerial probation by an equal amount, unless the nonpay time is due to a compensable injury or military service, in which case the time is fully creditable upon restoration to Federal service. The Air Force Personnel Center will provide notification of the length and duration of the supervisory/managerial probation.

**CAN AN EMPLOYEE BE REQUIRED TO SERVE BOTH KINDS OF PROBATION AT THE SAME TIME?**

Yes, although the probation on initial appointment to Federal service takes precedence, which means that failure to complete, either type of probation (when serving both concurrently) requires termination.