



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

November 17, 2020

## **PERSONNEL BULLETIN NO: 20-18**

**SUBJECT:** Probationary Period Reminder Notices

**1. Purpose.** This Personnel Bulletin (PB) establishes the Department of the Interior (DOI) policy on notifying supervisors that subordinate employees are nearing the end of their required probation period.

**2. Effective Date.** This policy is effective November 16, 2020.

### **3. Authorities.**

- A. Executive Order (EO) 13839: Promoting Accountability and Streamlining Removal Procedures Consistent with Merit System Principles
- B. Title 5 of the United States Code (U.S.C), Chapter 75, Adverse Actions
- C. Title 5 Code of Federal Regulations (CFR), Part 752, Adverse Actions
- D. Title 5 CFR, Part 315, Subpart H, Probation on Initial Appointment to a Competitive Position

**4. Background.** The purpose of the probationary period is to provide the supervisor an opportunity to evaluate an individual's conduct and performance on the job to determine his or her fitness for continued employment with the agency. If the employee fails to demonstrate his or her qualifications for continued employment, the supervisor must terminate his or her employment during this period. Consistent with 5 CFR § 315.803(a), the agency must notify its supervisors that an employee's probationary period is ending three months prior to expiration of an employee's probationary period, and then again one month prior to the expiration of the probationary period, and advise the supervisor to make an affirmative decision regarding the employee's fitness for continued employment or otherwise take appropriate action.

**5. Coverage.** This PB applies to all DOI supervisors of employees required to serve a probationary period on initial appointment to a competitive service position as provided in 5 CFR § 315.801. This PB does not apply to supervisors of employees required to serve supervisory or executive probationary periods as provided for in subpart I of 5 CFR, Part 315 and subpart E of 5 CFR, Part 317, respectively.

### **6. Definitions.**

A. **Affirmative Decision.** A decision by a supervisor that affirms his or her determination whether an employee's appointment to a competitive service position should become final prior to the expiration of the employee's probationary period.

B. Mandatory Notice. The written notice to supervisors that an employee's probationary period is ending. This notice must be provided three months prior to the expiration of the employee's probationary period, and then again one month prior to the expiration of the probationary period and advises the supervisor of his or her obligation to make an affirmative decision on the employee's appointment.

C. Probationer. Term used to distinguish an employee serving in a probationary period whose appointment has yet to be finalized from an employee who has previously completed such period or is exempt from such requirement. Probationers have limited procedural and appeal rights during the probationary period, which ensures that agencies can promptly and effectively act upon the assessment of probationers.

D. Probationary Period. The first year of service of an employee who is given a career or career-conditional appointment as provided in 5 CFR, Part 315, subpart H. The length of the probationary period is one year and may not be extended. Prior Federal civilian service counts toward completion of probation when the prior service: 1) is in the same agency (e.g., DOI); 2) is in the same line of work (as determined by the employee's actual duties and responsibilities); and 3) contains or is followed by no more than a single break in service that does not exceed 30 calendar days. The probationary period ends when the employee completes his or her scheduled tour of duty on the day before the anniversary date of the employee's appointment.

## **7. Responsibilities.**

**A. Office of Human Capital (OHC)** is responsible for:

1. Providing assistance to servicing human resources offices regarding notification requirements.

**B. Bureau and Equivalent Office Human Resources (HR) Directors** are responsible for:

1. Developing any internal methods necessary to carry out the requirements of this PB.
2. Establishing management controls to ensure proper notifications and compliance with this PB.

**C. Servicing Human Resources Offices (SHROs)** are responsible for:

1. Providing mandatory notices and information to supervisors of employees who are serving a probationary period.
2. Determining whether employees are required to serve a probationary period.
3. Ensuring proper coding of the probation requirement in the Federal Personnel/Payroll System (FPPS).
4. Validating creditable service which may count toward the completion of the probationary period.
5. Providing assistance to supervisors on how to fully utilize the probationary period and advising them of their obligation to make an affirmative decision on whether to finalize the probationer's appointment or take other appropriate action.

6. Training supervisors on the requirements outlined in this PB.
7. Maintaining copies of signed notices for a three-year period from the date the probationary period is or would have been completed.

**D. Supervisors** are responsible for:

1. Understanding which employees are subject to a probationary period
2. Utilizing the probationary period to the fullest extent in determining the fitness of an employee and terminating his or her employment if the employee fails to demonstrate fully his or her qualification for continued employment.
3. Consulting with their SHRO to determine appropriate action prior to expiration of an employee's probationary period.
4. Acknowledging receipt and returning reminder notices within fourteen (14) calendar days of receipt.
5. Communicating regularly with employees on performance expectations during the probationary period.

**8. Process.** Under 5 U.S.C. § 3321(a)(1), an appointment in the competitive service is not final until the probationary period is complete. Rather than permitting a probationer to become a career employee merely through inaction, SHROs must provide a mandatory notice to supervisors of probationary employees that advises the supervisor of his or her obligation to make an affirmative decision regarding whether the employee should be retained beyond the one-year probationary period or take other appropriate action to terminate the employee during such probationary period. *The mandatory notice must be provided to the supervisor three months prior to the expiration of an employee's probationary period, and then again one month prior to expiration of the probationary period.* For example, if an employee's probationary period ends on August 15, 2021, the SHRO must notify the employee's supervisor on May 15, 2021 (three-month reminder) and then again on July 15, 2021 (one-month reminder). If the three-month and one-month dates fall on a holiday or weekend, notification must be provided on the last business day before the holiday or weekend.

Sample Supervisor Reminder Notification Regarding Employee Probationary Period forms are provided in **Appendices A and B** and meet regulatory requirements as written. SHROs have the discretion to modify these reminder notifications as needed and determine the method of delivery of the mandatory notices (e.g., hard-copy or email). The supervisor must acknowledge receipt of the mandatory notices and return the notification to their SHRO within fourteen (14) calendar days of receipt. SHRO's should retain completed reminder notifications on file for a period of three years from the date of the probationary completion period.

**9. Reporting Requirements.** Bureau and Equivalent Office HR Directors will ensure management controls are established and audits/evaluations include processes to ensure proper notifications and compliance with this policy. Additionally, Department-led HR evaluations will include reviews of SHRO records to ensure compliance. SHROs may also be required to provide additional information or responses to data calls on their internal processes and procedures to ensure compliance with this policy.

**10. Labor-Management Obligations.** Bureaus/Offices are reminded to fulfill their labor-management obligations, as appropriate, in implementing the requirements set forth in this PB.

**11. Inquiries.** Any Department employee or employee representative seeking further information concerning this policy may contact their SHRO. SHROs may contact the Department's Office of Human Capital concerning questions related to this policy.

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Jennifer A. Ackerman  
Director, Office of Human Capital  
Deputy Chief Human Capital Officer

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**Appendix A**

**SUPERVISOR REMINDER NOTIFICATION REGARDING  
EMPLOYEE PROBATIONARY PERIOD EXPIRING IN THREE MONTHS**

This notification serves to remind you that the employee listed below is serving a probationary period as required by Title 5 Code of Federal Regulations (CFR), Part 315, which will expire in three months. The probationary period is a highly effective tool to evaluate an employee's potential to be an asset to the agency before his or her appointment becomes final. This period provides the supervisor an opportunity to evaluate an individual's conduct and performance on the job to determine his or her fitness for continued employment with the agency. If, at any point during the probationary period, you determine that the employee has failed to demonstrate his or her qualifications for continued employment, you must terminate his or her employment during this period.

It is recommended that you notate the probationary period expiration date on your calendar so that you may make a timely affirmative decision concerning whether to finalize this appointment or take other appropriate action to separate the employee prior to the expiration of the probationary period rather than allowing the probationer's appointment to become final merely through inaction.

Once the probationary period is completed, the probationer becomes an employee for purposes of Title 5 United States Code (USC), Part 752 with full appeal rights to the U.S. Merit Systems Protection Board (MSPB). Probationer employees who are separated during such probationary period have limited appeal rights to the MSPB and may be separated for poor job performance or other reasons. Supervisors are required to work through their servicing Human Resources office (SHRO) when taking action to separate a probationary employee.

**Employee Name:** \_\_\_\_\_

**Employee Position** (Title, Series, Grade/Step): \_\_\_\_\_

**Date Probationary Period Ends:** \_\_\_\_\_

*If you wish to discuss this reminder notification with an Employee Relations Specialist or take action to separate the employee during the probationary period, please contact:* \_\_\_\_\_

I, \_\_\_\_\_, acknowledge receipt of this notice and acknowledge my responsibility to make an affirmative decision regarding the above-referenced employee's fitness for continued employment with the U.S. Department of the Interior or otherwise take appropriate action.

**Supervisory Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Appendix B

### SUPERVISOR REMINDER NOTIFICATION REGARDING EMPLOYEE PROBATIONARY PERIOD EXPIRING IN ONE MONTH

This notification serves to remind you that the employee listed below is serving a probationary period as required by Title 5 Code of Federal Regulations (CFR), Part 315, which will expire in one month. The probationary period is a highly effective tool to evaluate an employee's potential to be an asset to the agency before his or her appointment becomes final. This period provides the supervisor an opportunity to evaluate an individual's conduct and performance on the job to determine his or her fitness for continued employment with the agency. If, at any point during the probationary period, you determine that the employee has failed to demonstrate his or her qualifications for continued employment, you must terminate his or her employment during this period.

It is recommended that you notate the probationary period expiration date on your calendar so that you may make a timely affirmative decision concerning whether to finalize this appointment or take other appropriate action to separate the employee prior to the expiration of the probationary period rather than allowing the probationer's appointment to become final merely through inaction.

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**Employee Name:** \_\_\_\_\_

**Employee Position** (Title, Series, Grade/Step): \_\_\_\_\_

**Date Probationary Period Ends:** \_\_\_\_\_

*If you wish to discuss this reminder notification with an Employee Relations Specialist or take action to separate the employee during the probationary period, please contact:* \_\_\_\_\_

I, \_\_\_\_\_, acknowledge receipt of this notice and acknowledge my responsibility to make an affirmative decision regarding the above-referenced employee's fitness for continued employment with the U.S. Department of the Interior or otherwise take appropriate action.

**Supervisory Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_