

HHS Transmittal 96.6
Personnel Manual
Issue Date: 3/13/96

Material Transmitted:

HHS Instruction 315-1, Probationary Periods

Material Superseded:

HHS Instruction 315-1 (all)
HHS Instruction 315-2 (all)

Background:

This Instruction has been revised consistent with recent changes in the organization of HHS, and in support of HHS administrative initiatives calling for more streamlined rules and greater delegations of authority.

Under this issuance, two instructions have been consolidated because of similar subject matter and the need for greater streamlining of the rules.

Any reference to "OPDIV" in this Instruction now includes the PHS agencies, the Office of the Secretary, the Program Support Center, HCFA, ACF, and AOA.

This issuance is effective immediately. Implementation of this issuance must be carried out in accordance with applicable laws, regulations, and bargaining agreements.

Filing Instructions

Remove superseded material and file new material. Post receipt of this transmittal to the HHS Check List of Transmittals and file this transmittal in sequential order after the check list.

Eugene Kinlow
Deputy Assistant Secretary for
Human Resources, OASMB

INSTRUCTION 315-1

DISTRIBUTION: MS (PERS): HRFC-001

HHS INSTRUCTION 315-1 PROBATIONARY PERIODS

315-1-00 Purpose and Coverage
10 References
20 Other Basic Requirements

Exhibit 315-1-A, HHS Form 33, Probationary Employee Certification and Recommendation (New Appointments)
Exhibit 315-1-B, HHS Form 33A, Probationary Employee Certification and Recommendation Supervisors/Managers)
Exhibit 315-1-C, Supervisory/Managerial Probationary Completion Record

315-1-00 PURPOSE AND COVERAGE

This Instruction supplements the applicable law and regulations which require probationary periods for employees on initial appointments in the competitive service and first-time managers and supervisors in the competitive service. For employees on initial appointments to competitive positions, a probationary period of generally one year determines whether or not they will be retained or separated from Federal employment. It is the final test of actual performance on the job which provides protection against the retention of employees who are found in actual practice to be lacking in fitness for permanent government service.

A minimum one-year probationary period is required for managers and supervisors who are in the competitive service and who are assigned or appointed to permanent managerial/supervisory positions. The purpose of this requirement is to enhance the effectiveness of managers and supervisors in the Federal sector.

This Instruction does not apply to members of the Senior Executive Service.

315-1-10 REFERENCES

- A. 5 U.S. Code 3321(a)(1) and (2) (law - competitive service; probationary period)
- B. 5 CFR 315H (regulations - probation on initial appointment to a competitive position)
- C. 5 CFR 3151 (regulations - probation on initial appointment to a supervisory or managerial position)
- D. HHS Instruction 430-7 (performance appraisal system)

- E. HHS Instruction 531-2 (setting salary - general schedule and merit pay employees)
- F. HHS Instruction 430-4 (employee performance management system)

315-1-20 OTHER BASIC REQUIREMENTS

A. Probationary Periods Required Under 5 CFR 315H

1. Prior to the expiration of the probationary period for a competitive service appointee, the immediate supervisor must assure that HHS Form 33 or a comparable OPDIV for is fully completed so that the required personnel action can be taken in a timely manner. OPDIVs have the option of using HHS Form 33 for this purpose, or developing their own form.
2. If, despite efforts to assist a probationary competitive appointee, it is still necessary to effect a separation for unsatisfactory performance or conduct, care must be exercised to take the necessary action within the probationary period. Because separations are effective at midnight and probationary periods are completed at the end of the tour of duty, it is essential that a separation during the probationary period be effective no later than the day before the day the probation would have been completed. If this is not possible, the termination must be made effective before the employee's tour of duty is scheduled to end.

B. Probationary Periods for Managers and Supervisors Required Under 5 CFR 315I

1. Employees who have completed a probationary period for supervisors or who are exempt from such requirements because of prior service as a supervisor will be required to serve a new period of probation upon assignment to a managerial position. OPDIVs may grant exceptions to this provision in situations where the requirements of a managerial position do not differ substantially from those of the supervisory position in which the employee completed a probationary period.
2. When a supervisory/managerial probationary period is interrupted by intervening nonsupervisory/nonmanagerial service or a break in service, the service in the supervisory/managerial position is not creditable toward completion of a probationary period required under a subsequent position change or appointment. However, if the supervisory or managerial service is interrupted by a temporary position change, such as a temporary promotion, the service prior to that position change is creditable toward completion of the probationary period when the employee returns to his or her permanent position of record.

3. Employees who were serving in a supervisory or managerial position in the Federal Government on or before August 10, are exempt from serving a probationary period respectively.
4. HHS Form 33A or a comparable OPDIV form will be used to record the determination that the probationer has or has not satisfactorily completed the probationary period.
5. When an employee satisfactorily completes his/her probationary period for managers/supervisors, a Probationary Period Completion Record (Exhibit 315-1-C) or a comparable OPDIV form must be completed and filed on the permanent side of the employee's Official Personnel Folder.
6. Generally, the immediate supervisor has the authority to make the decision to assign an employee to a nonsupervisory or nonmanagerial position for failure to complete the probationary period. OPDIVs may, but are not required to, limit this authority, for example, by requiring a second level review. The employee must be notified in writing and the action must be effected no later than the last workday before the day the probationary period would be completed.
7. An action to return a supervisory/managerial probationary employee to a nonsupervisory/nonmanagerial position is not grievable under the Department's grievance procedures contained in HHS Instruction 771-3. However, if an OPDIV elects to develop and implement its own grievance procedures, the OPDIV may, but is not required to, elect to include this issue under the coverage of the procedures.

HHS 315-1 EXHIBIT A
 DEPARTMENT OF HEALTH AND HUMAN SERVICES
 PROBATIONARY EMPLOYEE CERTIFICATION AND RECOMMENDATION

 NEW APPOINTMENTS

TO:
FROM:
DEADLINE DATE <i>(for return of this form to Personnel Office)</i>

Name	Social Security No.	Grade	Bureau/Office, Division Branch, Section, Shift
Position Title		Period Evaluated	

Refer to HHS Instruction 315-1. As the Supervisor, you are required to make recommendations as to whether the above named employee is to be retained or separated. If separating is recommended, notify the Personnel Office immediately.

The above named employee has been under my supervision while serving a probationary period. I certify that the employer's performance conduct, and general traits have been (check one) • satisfactory • unsatisfactory.

Therefore, I recommend that the employee (check one) • be retained • be separated.

THE BASIS FOR MY RECOMMENDATIONS IS AS FOLLOWS:

If additional space is required, attach a separate sheet to this form.

Signature of Immediate Supervisor	Title	Date
Signature of Reviewing Officer	Title	Date

PRIVACY ACT NOTICE

The collection of the information requested on this form is authorized by Title 5, United States Code S 3321 and the regulations issued thereunder. The information will be used in completing the probationary period rating required by HHS Instruction 315-1. This information should be used: a) in deciding on the retention or separation of the employee; b) for statistical information, excluding personal identification of individuals; and c) for other routine uses published in accordance with 5 USA 552a. In accordance with the Privacy Act, this information may be made available to the employee upon request. When completed, this form is a record subject to the provisions of the Privacy Act. As such, it must be safeguarded against unauthorized disclosure.

HHS 315-1 EXHIBIT B

DEPARTMENT OF HEALTH AND HUMAN SERVICES
 PROBATIONARY EMPLOYEE CERTIFICATION AND RECOMMENDATION
 SUPERVISORS/MANAGERS

TO:
FROM:
DEADLINE DATE <i>(for return of this form to Personnel Office)</i>

Name	Social Security No.	Grade	Bureau/Office, Division Branch, Section, Shift
Position Title		Period Evaluated	

Refer to HHS Instruction 315-2. As the supervisor, you are responsible for evaluating the general supervisory or managerial abilities pertaining to the above named employee. You are required to document the reasons supporting a recommendation to retain or remove the employee from his/her current position.

I certify that the employee's supervisory/managerial performance has been (check one)

- Satisfactory
- Unsatisfactory

Therefore, I recommend that the employee (check one) • be retained or • placed in a position at the same grade level that is equivalent to the position that was held prior to entry into the current supervisory or managerial position.

THE BASIS FOR MY RECOMMENDATION IS AS FOLLOWS:

If additional space is required, attach a separate sheet to this form.

Signature of Immediate Supervisor	Title	Date
Signature of Reviewing Officer	Title	Date

PRIVACY ACT NOTICE

The collection of the information requested on this form is authorized by Title 5, United States Code S 3321 and the regulations issued thereunder. The information will be used in completing the probationary period rating required by HHS Instruction 315-1. This information should be used: a) in deciding on the retention or separation of the employee; b) for statistical information, excluding personal identification of individuals; and c) for other routine uses published in accordance with 5 USA 552a. In accordance with the Privacy Act, this information may be made available to the employee upon request. When completed, this form is a record subject to the provisions of the Privacy Act. As such, it must be safeguarded against unauthorized disclosure.

HHS 315-1 EXHIBIT C

SUPERVISORY/MANAGERIAL PROBATIONARY COMPLETION RECORD

This certifies that the employee named below has satisfactorily completed the probationary period indicated below by serving the required probation in the position(s) listed, as set forth in 5 U.S. Code 3321(a)(2).

1. Employee Name: _____
2. Social Security Number: _____
3. Position Title as reflected on SF 50-B: _____
4. Type of Probationary Period: (check on appropriate line below)
 - A. Supervisory: _____
 - B. Managerial: _____
5. Date Probation Completed: (month, day, year) _____

Signature of SPO Official