

U.S. DEPARTMENT OF EDUCATION

PERSONNEL MANUAL INSTRUCTION

PMI 315-2*
DATE May 21, 1981

APPROVED:
Lois E. Hartman
Director of Personnel
3-12-2002

Includes changes through Installment 1, dated 1/2/85

SUBJECT: PROBATION ON INITIAL SELECTION FOR A SUPERVISORY OR MANAGERIAL POSITION

I. AUTHORITY:

- A. P.L. 95-454 dated October 13, 1978 and 5 USC 3321 (a)(2) as amended authorized the President to prescribe a "period of probation" before initial appointment as a supervisor or manager becomes final.
- B. E.O. 12107 dated December 28, 1978 delegated responsibility for the establishment of a probationary period to the Office of Personnel Management (OPM).
- C. FPM Chapter 315, subchapter 9 sets forth the OPM rules and regulations governing probationary periods for first-time managers and supervisors.

II. POLICY:

- A. Upon initial selection or appointment to a permanent supervisory or managerial position in the competitive service, all employees are required to satisfactorily complete a one year probationary period before their assignment becomes final.
 - B. Employees who have completed a probationary period for supervisors or managers or who have previously served as a supervisor or manager will not be required to complete a new probationary period on subsequent appointments to such positions.
 - C. If a newly appointed employee is required to serve both a basic probationary period, (the one required upon initial appointment to a permanent competitive position) and a supervisory or managerial probationary period, the requirements of the basic probationary period take precedence and completion of the basic probationary period fulfills both requirements. However, if the supervisory/managerial probationary period extends beyond the basic probationary period, the provisions of the supervisory/managerial probationary period continue to apply for the remainder of that probationary period.
 - D. When a probationary period is interrupted by intervening service or a break in service of more than 30 days, prior service is not creditable toward completion of a probationary period which may be required under a subsequent appointment. Service while on a detail or in an acting capacity during the temporary absence of the regular supervisor or manager does not count.
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III. APPLICABILITY

- A. This Instruction applies to all permanent competitive supervisory and managerial positions in the Department. Since supervisors and managers require unique skills and abilities not readily taught or developed in other positions, the probationary period is intended to bridge the gap between perceived potential and actual performance. It provides an agency with an opportunity to assess the person's development on the job and flexibility to return the person to a nonsupervisory or nonmanagerial position without undue formality when deemed necessary.
- B. This Instruction establishes the policies and requirements for administering the provisions of 5 USC 3321(a)(2) in this Department. It does not apply to appointments or positions in the Senior Executive Service, nor does this Instruction apply to details, temporary appointments or to temporary promotions or reassignments of 120 days or less.

IV. Definitions

"Supervisory position" and "managerial position" have the meaning given them by the Office of Personnel Management's Supervisory Grade Evaluation Guide for a position classification. Note this differs somewhat from the CSRA definition of supervisor. Supervisors will normally have 3 or more subordinate employees and a supervisory title.

V. Responsibility

- A. Managers are responsible for seeing that subordinate supervisors and managers understand their role in guiding and assisting newly appointed managers and supervisors. Managers are also responsible for seeing that subordinate managers and supervisors are properly trained to perform the duties of their positions.
- B. Supervisors are responsible for ensuring that supervisory/managerial performance requirements are developed for probationers under their direction and for assuring that employees who are serving a probationary period are instructed in the supervisory/managerial duties and responsibilities of their positions and the manner in which they are expected to perform these duties and responsibilities. They are also responsible for conducting counseling sessions with the probationer to advise him/her on the progress being made and for making the initial determination concerning the satisfactory or unsatisfactory completion of the probationary period.
- C. The Servicing Personnel Office (SPO) will:

1. Determine whether a vacant position is that of a supervisor or manager and, if so, include on the vacancy announcement a statement that "a supervisory/managerial probationary period will be required."
2. Review the Official Personnel Folder of the employee selected for a supervisory or managerial position to determine if the employee is required to serve a probationary period and if so make sure the SF-50 is noted to reflect that fact.
3. Notify the immediate supervisor of the probationer whether the employee is entering a probationary period and the anticipated completion date.
4. Assist the supervisors of probationers in discharging their responsibilities for developing standards and periodic evaluations.
5. Advise managers regarding the action to take when a determination is made that an employee serving a probationary period is not performing the supervisory/managerial duties in a satisfactory manner.

VI. Probationary Period Advisory

Within one month after an employee is appointed to a position where a probationary period is required, the Servicing Personnel Office will send an advisory memorandum to the supervisor as a reminder of what the supervisor is expected to do during the probationary period. A copy of a suggested memorandum is attached as Exhibit 315-2-1.

VII. Evaluation

- A. The performance of "first-time" managers/supervisors will be evaluated against the performance expectations that relate to their supervisory/managerial duties as documented in the performance standard for the position.
 - B. Periodically throughout the probationary period, the employee will be advised of strengths and weakness and areas in which improvement is needed.
 - C. ED Form 315-2 (Exhibit X315-2-2) will be used to make the determination whether the probationer has satisfactorily completed the probationary period. The Servicing Personnel Office will forward ED Form 315-2 to the supervisor of each employee serving a probationary period approximately 90 days before the end of the probationary period. Upon receipt of ED 315-2, the supervisor must make a recommendation, document the basis for it, secure the concurrence of the reviewing official and forward ED Form 315-2 to the personnel has been satisfactory or whether the probationary performance has been satisfactory or unsatisfactory. This procedure does not preclude an unsatisfactory determination from being made at any time during the probationary period.
 - D. When an employee satisfactorily completes his/her probationary period, the Servicing Personnel Office must complete a supervisory/managerial probationary period completion record (Exhibit X315-2-3) and file it on the permanent side of the
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employee's Official Personnel Folder.

VIII. Crediting Service Toward Completion of Probationary Period

- A. An employee serving a probationary period who is transferred, reassigned, or promoted to another position for reasons unrelated to supervisory/managerial performance deficiencies will be given credit for probationary time in the position.
- B. Supervisory/managerial employees who have a break in service of 30 calendar days (time off the rolls) or more during the probationary period will not be credited with previous probationary experience under a subsequent appointment, but will be required to serve a new one year probationary period.
- C. Absence in a nonpay status while on the rolls (other than absence because of compensable injury or military duty) is creditable up to a total of 22 cumulative work days. Any nonpay time in excess of the total of 22 workdays extends the probationary period by an equal amount.
- D. Absence due to compensable injury or military duty from which the employee is entitled to restoration rights under Chapter 353 is creditable in full.
- E. When an employee is separated for cause or returned to a nonsupervisory/managerial position during the probationary period for reasons related to supervisory/managerial performance deficiencies, the service does not count toward completion of a probationary period required under subsequent appointments.
- F. Employees who are given temporary promotions or reassignments of 120 days or less to positions as supervisors or managers will receive no credit toward completion of the probationary period requirement, unless the employee is assigned permanently to the supervisory/managerial position without interruption.
- G. Employees who are temporarily promoted or reassigned for more than 120 consecutive days to a position as a supervisor or manager will be given credit towards completion of the probationary period requirement for all time on the assignment.

IX. Failure to Satisfactorily Complete the Probationary Period

- *A. When an employee's performance reveals supervisory/managerial deficiencies which would make him/her unsuited for continued employment in the position, action may be taken to remove the employee from the position. In such a case, except as provided in (B) below, the employee must be placed in a position no lower than the grade level of the position held immediately prior to entering a supervisory/managerial position. Pay will be adjusted to the grade and step held immediately prior to selection for the supervisory or managerial position including credit for any within grade increases that would have been received. The highest previous rate rule will not apply.
 - B. An employee who is demoted to accept a supervisory/managerial position and does not satisfactorily complete the probationary period is entitled to be assigned to a position at
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the same grade as the supervisory/managerial position. The employee is eligible for repromotion in accordance with Federal Personnel Manual Chapter 335, Promotion and Internal Placement. The employee is entitled to retained pay. Example: An employee in a GS-14 nonsupervisory position voluntarily accepts a change to lower grade to a GS-13 supervisory position. The employee does not perform satisfactorily during the supervisory probationary period and is therefore reassigned to a GS-13 nonsupervisory position. *

- C. The decision to assign an employee to a nonsupervisory/nonmanagerial position should be initiated by the employee's immediate supervisor, and it must be concurred in by a higher level official. 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 have been completed.
- D. If an employee who is serving under both the basic probationary period and the managerial/supervisory probationary period and fails to complete satisfactorily the basic probationary period, appropriate actions must be taken under Instruction 315-1.

X. Appeals/Grievances

- A. An action to reassign a supervisory/managerial probationary employee to a nonsupervisory/nonmanagerial position is not appealable to OPM, and the action is not grievable under the Department's grievance procedures. However, a determination as to whether an employee has previously served in a supervisory/managerial position which may exempt him or her from the requirements to serve a probationary period is grievable.
- B. An employee alleging discrimination due to race, color, religion, sex, national origin, physical handicap or age in connection with such a return action may file a complaint in accordance with the Department's discrimination complaints procedures. Final Department action on such complaints is appealable to the Equal Employment Opportunity Commission. Allegations of discrimination based on marital status or partisan political affiliation are appealable to the Merit Systems Protection Board. The appeal must be filed with MSPB within 20 calendar days of the effective date of the action.

SAMPLE PROBATIONARY PERIOD ADVISORY Exhibit X315-2-1

MEMORANDUM UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

TO : (Insert name of the probationer's supervisor) DATE:

FROM : (Insert name of SPO representative)

SUBJECT: Supervisory/Managerial Probationary Period Advisory - (Insert Name of Probationary Supervisor or Manager)

This employee is currently serving a probationary period for supervisors or managers. The success or failure of the Department's programs is dependent to a large extent on the caliber of its supervisors and managers. They require unique skills and abilities which cannot be taught or developed in other kinds of positions. The probationary period is intended to bridge the gap between potential and actual performance. As a supervisor, you along with the reviewing official, will ultimately decide if the employee is fully successful in terms of performance in the position. To make the probationary period a meaningful one, you should be sure to:

1. Advise the employee of the duties, responsibilities, and requirements of the position and the manner in which the employee is expected to perform these duties, responsibilities, and requirements.
2. Advise the employee of when you will appraise his/her performance of these duties, responsibilities, and requirements.
3. Observe the probationary employee's job performance to determine whether problems are developing that might raise a question about the retention of the employee in the supervisory or managerial position beyond the probationary period.
4. Be certain that you have periodic discussions with the employee to know how he/she is doing in relation to what is expected and provide the employees with assistance when needed.

Approximately 90 calendar days before the end of the employee's probationary period, we will send you a Probationary Employee Certification and Recommendation. At that time, you will be expected to make a decision on retaining or removing the employee based on the performance which you have observed.

Please let me know if you have questions about the process or would like help with respect to your part in it.

U.S. DEPARTMENT OF EDUCATION SUPERVISORY/MANAGERIAL PROBATIONARY EMPLOYEE CERTIFICATION AND RECOMMENDATION		TO: _____ FROM: _____ DEADLINE DATE: (for return of this form to Personnel Office)	
NAME	SOCIAL SECURITY NO.	GRAD E	OFFICE, DIVISION, BRANCH, SECTION,
POSITION TITLE		PERIOD EVALUATED	
<p>INSTRUCTIONS: Refer to ED Instructions 315-2 concerning the probationary period. You, as the supervisor are required to make a recommendation about whether the employee named above should be retained in or separated from this position. If you are going to recommend separation, notify your personnel office at once. Return this form to your personnel office prior to the deadline date shown in the upper right hand corner.</p> <p>The above named employee has been under my supervision while serving a supervisory/managerial probationary period. I certify that the employee's performance has been (check one): ___satisfactory ___unsatisfactory.</p> <p>Therefore, I recommend that the employee (check one) ___to be retained in this position ___ be separated from this position. The basis for my recommendation is as follows:</p>			
SIGNATURE OF IMMEDIATE SUPERVISOR	TITLE OF IMMEDIATE SUPERVISOR	DATE	
SIGNATURE OF IMMEDIATE SUPERVISOR	TITLE OF IMMEDIATE SUPERVISOR	DATE	

SUPERVISORY/MANAGERIAL COMPLETION RECORD Exhibit X315-2-3

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.C. 3321(a)(2).

1. Employee Name: _____

2. Social Security Number: _____

3. Position Title as reflected on SF-50: _____

4. Type of Probationary Period: (check) on appropriate line below
 - A. Supervisory _____
 - B. Managerial _____

5. Date Probation Completed: (month, day, year) _____

Signature of SPO designate