

U.S. DEPARTMENT OF EDUCATION

PERSONNEL MANUAL INSTRUCTION

PMI 315-1

DATE: 09-27-02

APPROVED:

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RESOURCES SERVICES

Includes Amendment 1 – Dated 04/05/07.

SUBJECT: PROBATIONARY PERIOD

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I. AUTHORITY:

- A. 5 Code of Federal Regulations (CFR), Part 315, subpart H, sections 801 through 806;
- B. Personnel Manual Instruction (PMI) 430-2, General Performance Appraisal System (GPAS).

II. POLICY:

- A. It is the policy of the Department of Education (ED) to require probationary periods for employees who are given career or career-conditional appointments. Conditions and applicability for probation are discussed in Section III.
- B. The probationary period serves as the last phase in the examination process to determine the employee's eligibility for continued employment, and to terminate an employee during that probationary period, if the employee fails to fully demonstrate his or her qualifications for continued Federal employment.
- C. Within **30 days of an employee entering on duty**, the rating official and the employee will develop and agree upon job specific performance standards, in accordance with PMI 430-2. The rating official and employee will sign the completed GPAS Employee Performance Agreement, with concurrence by the approving official, within the 30-day timeframe.
- D. The employee's overall performance rating and retention after the probationary period will be determined by the employee's performance as measured against the GPAS performance plan.

III. APPLICABILITY:

- A. The first year of federal service of an employee who is given a career or career conditional appointment is considered a "probationary period" when the employee meets the conditions specified under 5 CFR 315.801.
- B. An employee, who has transferred, been promoted, reassigned or was demoted before completing probation is required to complete the probationary period in the new position.
- C. An employee who is reinstated under 5 CFR 315.401, is required to complete a probationary period, unless the employee previously completed a probationary period or served with competitive status on an appointment which did not require a probationary period.

- D. Certain employees in the excepted service are required to serve a “trial period” which is the equivalent of a probationary period in the competitive service. Guidance regarding the use of the “trial period” is covered under a separate Instruction (PMI 302-1).
- E. The initial probationary period for a new supervisor or a new manager is required by a different statute and set of regulations, and is considered a different type of probation. Guidance on the initial probationary period for new supervisors and managers is covered under a separate Instruction (PMI 315-2).
- F. Length of Probation:
1. A period (not to exceed a total) of one year of paid status or creditable service from the date of an appointment (as measured in calendar time) shall constitute an employee’s “initial probationary period”. This calculation of such creditable service may be affected by the factors described below.
 2. Prior Federal civilian service counts toward the completion of probation when the prior service is:
 - a. In the same agency;
 - b. In the same line of work (determined by the employee’s actual duties and responsibilities); and
 - c. Contains or is followed by no more than a single break in service that does not exceed 30 calendar days.
 3. Periods of absence while in a **non-pay** status (other than for compensable injury or military duty) are creditable up to a total of 22 workdays.
 4. Absence due to compensable injury or military duty (whether on or off the rolls) is creditable in full upon restoration to the Federal service.
 5. Any absences in nonpay status exceeding the allowed creditable limit of 22 workdays increase one’s probationary period by an equal amount of time.
 6. An employee serving probation who leaves Federal service to become a volunteer with the Peace Corps or the Corporation for National and Community Service serves the remainder of the probationary period upon reinstatement, **provided** the employee is reinstated within 90 days of termination of service as a volunteer or training for such service.

7. Part-time employees (as well as full-time employees) serve a one-year probationary period, which begins from the date of their appointment.
8. For intermittent employees, i.e., those employees who do not have regularly scheduled tours of duty, each day or part of a day in a pay status counts as one day of credit toward the 260 days in pay status required for completion of probation. (However, the probationary period **cannot** be completed in less than one year of calendar time.)

IV. **RESPONSIBILITIES:**

A. **Human Resources Services** (HRS) will administer the Probationary Period Evaluation Program.

1. **The servicing Human Resources (HR) Specialists in Headquarters and the regions will:**

- a. Ensure that each new probationary employee receives, **within the first month after their appointment**, an electronic e-mail notice containing a Probationary Period memorandum with a “Checklist of Topics for Orientation Discussion” with their supervisor. (Attachment I). The employee’s supervisor and the appropriate Executive Officer (EO) will also receive an electronic e-mail copy of the message at the same time the employee receives the message. A copy of the e-mail message will be printed and filed on the left side of the employee’s Official Personnel Folder (OPF).
- b. Determine new employees’ probationary period beginning/ending dates, as applicable, **within 30 days** of a new probationary employee entering on duty and update ED’s internal automated Federal Personnel/Payroll System (FPPS). Probationary period dates will be established **within 30 days** of the employee’s entrance on board, or **no later than** when the employee’s official payroll and/or personnel paperwork has been processed.
- c. Monitor the FPPS system, on a biweekly basis, for new tickler/suspense notices of probationary period employees within their assigned Principal Offices (PO). Follow-up with the EO’s and first-line supervisors on any suspense notices that are posted as overdue.
- d. Send FPPS system-generated copies of ED Form 315-1, “Probationary Employees Certification and Recommendation” to the EO’s to forward to the supervisors of probationary employees within their PO’s, by the **beginning** of the employee’s **tenth month** on board. (Attachment II shows a sample ED Form 315-1.) Follow-up with the EO’s within ten days after forwarding ED

Form 315-1, to ensure the EO's have sent the forms to the supervisors.

- e. Contact **ALL** EO's and supervisors **who have not** returned the required evaluations and documentation by the end of the probationary employee's **eleventh month** on board, to inquire on the status of the evaluations and advise of the approaching deadline. Documentation must be maintained showing that the EO and supervisor were contacted, and the content of any discussions.
 - f. Advise supervisors to work with the servicing HR Specialist in the regions or the Employee Relations Team (ERT) in Headquarters when cases are brought to their attention where probationary employees **may not** satisfactorily complete probation. **(NOTE: Supervisors MUST immediately contact the ERT in Headquarters or the regional HR Specialist, if they personally observe or become aware of any problems or potential problems with the new employee's performance or conduct that could affect completion of probationary requirement.)**
2. The HR team leaders in Headquarters, and the Regional Personnel Officers (RPOs) will review and monitor the work of their staff members to ensure that the probationary period requirements of this policy are being followed.

B. **Executive Officers will:**

1. Monitor the FPPS system, on a biweekly basis, for notices of probationary period employees within their PO that have been referred for action;
2. Print off the FPPS system probationary notice and ED Form 315-1 and forward to the appropriate supervisor for action, **prior to the end of the employee's tenth month on board.**
3. Receive the signed ED Form 315-1 from the appropriate supervisor; update the FPPS to annotate the employee's probationary status and forward the completed form to the servicing HR Specialist **before the end of the probationary employee's eleventh month on board.**
4. Follow-up with any supervisor who has not returned ED Form 315-1 **prior to the end of the probationary employee's eleventh month on board.**

C. **Second-level Supervisors will:**

1. Ensure that first-line supervisors are properly trained as supervisors;
2. Ensure that supervisors understand their role in guiding and assisting new employees;
3. Ensure that first-line supervisors understand their obligations to:
 - a. make clear to employees what is expected of them to satisfactorily complete a probationary period; and
 - b. **immediately contact and coordinate ALL probationary period issues/concerns with the servicing HR Specialist in the regions or the ERT in Headquarters.**

D. **First-line Supervisors will:**

1. Ensure that a new employee is fully informed of what his/her official duties and responsibilities are in the new position, and how s/he is expected to perform them, along with the standards of conduct, **within 30 days of employee's appointment;**
2. Develop and implement job specific performance standards **within 30 days** of a new employee entering on board, in accordance with PMI 430-2;
3. **Contact the servicing HR Specialist in the regions or the ERT in Headquarters AS SOON AS PERSONALLY OBSERVING OR BECOMING AWARE OF ANY PROBLEMS OR POTENTIAL PROBLEMS with the new employee's performance or conduct which could affect successful completion of the probationary period. (THIS IS A REQUIREMENT.)**
4. Monitor and provide feedback to new employees on their performance and conduct, and advise on any areas where improvement may be needed.
 - a. A probationary period evaluation discussion will be held with the employee at **their mid-point (GPAS) progress review and/or at the end of the performance appraisal cycle, whichever occurs first.** (This normally occurs three to six months after the employee has been in the position.)
 - b. The supervisor will advise the employee of their current job performance and conduct, whether they are making satisfactory

progress toward completion of their probationary period, and if any steps need to be taken to help them successfully complete probation.

- c. If, **at any time**, the supervisor believes the employee's performance or conduct could result in failure to successfully complete their probation, the supervisor **MUST immediately** schedule a meeting with the employee to discuss the performance or conduct problem; **the supervisor MUST also contact the servicing HR Specialist in the regions or the ERT in Headquarters for guidance.**

5. **Coordinate ANY probationary period separation action with the servicing HR Specialist in the regions or the ERT in Headquarters to ensure all appropriate procedures have been taken, and are within the required timeframes. (THIS IS A REQUIREMENT.)**
6. Formally evaluate and document the conduct and performance of new probationary period employees **prior to the end of the employee's eleventh month** on board.
7. Complete and submit ED Form 315-1 to the EO **before the end of the probationary employee's eleventh month on board.**

E. **Employees will:**

1. Learn and understand the duties and responsibilities of his/her position and how s/he is expected to perform them;
2. Become familiar with the standards of conduct for federal employees and know the type of behavior/conduct that is expected of federal employees; and
3. Understand the reasons for the probationary period and how it impacts them.

V. **PLACEMENT FOLLOW-UP & PROBATIONARY PERIOD EVALUATION**

- A. Within the employee's **first month of employment**, s/he will receive an electronic e-mail notice containing the Probationary Period memorandum with a "Checklist of Topics for Orientation Discussion" with their supervisor. (Attachment I). Simultaneously, the servicing HR Specialist will also forward an electronic copy of the memorandum and checklist to the employee's supervisor, and the EO in the respective PO. This memorandum and checklist are designed to alert the new employee, the employee's supervisor and the EO to the requirements and provisions of a probationary period. It also serves to acquaint the employee with some of

the basic policies and regulations of Federal employment. A copy of the notice will be printed and filed on the left side of the employee's OPF.

- B. A probationary period evaluation discussion will be held with the employee at his or her **mid-point (GPAS) progress review and/or at the end of the performance appraisal cycle**, whichever occurs first. This normally occurs three to six months after the employee has been in the position. The rating official will address the employee's current performance and conduct, whether the employee is making satisfactory progress in his/her position, and whether any steps must be taken to help/assist the employee to successfully complete his/her probationary period.
- C. The servicing HR Specialist will monitor the FPPS system on a bi-weekly basis to notify the EO's and supervisors of probationary employees of the employee's upcoming date for completion of probation.
- D. The EO will print off the FPPS system probationary period notice and ED Form 315-1, and forward to the appropriate supervisor **no later than the end of the tenth month** of the employee's probationary period. (Attachment II shows a sample ED Form 315-1.)
- E. Upon receipt of the ED Form 315-1, the supervisor **must** complete the certification and recommendation, obtain the concurrence of the reviewing official, discuss the certification and recommendation with the employee and return the completed form to the EO **before the end of the probationary employee's eleventh month**.
- F. The EO will update the FPPS system to annotate the employee's probationary status and forward the completed form to servicing HR Specialist **before the end of the probationary employee's eleventh month** on board.
- G. The servicing HR Specialist **must** follow-up with the EO and the supervisor to ensure that the certification is returned **before the end of the probationary employee's eleventh month** in order that any indicated action may be taken **before the probationary period expires**.
- H. If the recommendation of the supervisor (ED Form 315-1) is to retain the employee, the form must be retained for a period of two years on the left side of the employee's OPF.
- I. If the recommendation is to **separate** the employee, the servicing HR Specialist **MUST** contact the supervisor to verify that the information is accurate, to assure that the decision to separate is warranted, and to advise the supervisor to coordinate the action with the servicing HR Specialist (Employee Relations). **The supervisor MUST COORDINATE the separation action with his or her servicing HR Specialist in the regions**

or the ERT in Headquarters to ensure all appropriate procedures have been taken, and within the required timeframes. The completed ED Form 315-1 should be retained for a period of two years.

VI. TERMINATION OF PROBATIONARY PERIOD EMPLOYEES

- A. Probationary employees terminated for unsatisfactory performance or misconduct **must be separated prior** to the **completion** of the probationary period. Since separations are effective at midnight and probationary periods are completed at the end of a tour of duty, it is essential that a separation during probation be effective no later than the day before the day probation would have been completed.

- B. ED supervisors and managers **MUST** notify the appropriate HR Specialist in the regions or the ERT in Headquarters **AS SOON AS they personally observe or become aware of any problems or potential problems with the probationary employee's performance or conduct that could affect their probationary status.** ED managers and supervisors **must coordinate** any probationary period separation action with the appropriate HR Specialist in the regions or ERT in Headquarters to ensure all appropriate procedures have been taken, and that the separation is **processed timely and in accordance with all applicable regulations and procedures.**

U.S. DEPARTMENT OF EDUCATION
(Electronic Message)

TO:

DATE:

FROM:

SUBJECT: Your Probationary Period: Its purpose and requirements

1. Welcome to the Department of Education (ED)! The primary mission of the Department is to ensure equal access to education and to promote educational excellence throughout the nation.
2. As a Federal employee beginning a probationary period at the Department, there are certain personnel issues that you should be aware of because they have a direct effect on your employment. One such area is the statutory requirement that you have an “initial probationary period” for one full year. In most cases, the probationary period starts from the date of your appointment. When you satisfactorily finish your probationary period, your examination is considered complete. If your performance or conduct is not satisfactory, you may be removed from the job for failure to qualify at any time before completion of your probationary period. During the probationary period, your supervisor will evaluate your ability to perform in your position and your conduct as an employee. During this period, your supervisor is expected to:
 - a. Discuss the standards and requirements of the position to which you are assigned and inform you about the policies and responsibilities of your organizational unit.
 - b. Provide you with instructions for each work assignment given to you.
 - c. Observe your performance and conduct, and provide guidance where necessary.
 - d. Inform you of how well you are doing.
3. To ensure that you receive a meaningful orientation to the policies, procedures and regulations of this agency, it is required that your supervisor meet with you during the **first month** following your entrance on duty to discuss in detail with you the topics on the attached checklist. The topics relate to your rights and responsibilities as an employee of ED, and your supervisor is responsible for providing you with basic information on these matters. Human Resources Services (HRS) in Headquarters or the Servicing Personnel Office (SPO) in the regions and the Executive Officer (EO) of your organization are also available to provide guidance and assistance to you and your supervisor on these matters.
4. Your supervisor will conduct a mid-point General Performance Appraisal System progress review and/or the end of the performance appraisal cycle discussion, whichever normally occurs **three to six months** after your appointment in the Federal service. Your supervisor will discuss your progress on the job, advise you of any

problems s/he perceives, whether you are making satisfactory progress in your position, and whether any steps must be taken to help you to successfully complete your probationary period. ED requires this early discussion in order to encourage mutual cooperation and effort between you and your supervisor, so that you receive a full and fair opportunity to satisfactorily complete your probationary period.

5. In addition, during the **tenth month** of your probationary period, the HRS or SPO representative will forward to the EO for your supervisor, an electronic copy of ED Form 315-1, "Probationary Trial Certification Form." At that time, your supervisor will indicate whether or not your conduct and job performance is satisfactory and if you should be retained or removed from Federal service.
6. If you wish to discuss any problems, or if you need counsel concerning your benefits or rights as a probationary Federal employee, you may contact HRS in Headquarters or the regional SPO for assistance. Bargaining unit employees may also contact the local union representative for information.
7. Congratulations on your appointment to the Federal service!

Attachment

CHECKLIST OF TOPICS FOR ORIENTATION DISCUSSION

After discussion has been completed with the employee, the employee’s supervisor will ensure that this form has been signed and dated, as indicated below, and returned to HRS in Headquarters or the regional SPO.

* * * * *

- _____ 1. Explain the level of performance and conduct expected of the employee, in terms of work methods, time frames, desired results, appropriate conduct for the workplace, etc. A cooperative review and discussion of the employee’s position description and performance plan may be helpful in this connection.
- _____ 2. Identify sources of assistance and information pertinent to the employee’s performance of duties. Explain the appropriate method for utilization of these sources.
- _____ 3. Explain how the responsibilities of his/her co-workers relate to those of the employee.
- _____ 4. Explain employee’s responsibilities during working hours and as to lunch breaks.
- _____ 5. Explain types of leave and how to request approval of leave; e.g., explain use of OPM Form 71.
- _____ 6. Identify the timekeeper and explain timekeeper’s role.
- _____ 7. Advise the employee of the availability of classroom training.
- _____ 8. Explain within-grade increases and other kinds of employee recognition.
- _____ 9. Explain performance appraisals.
- _____ 10. If applicable, explain procedures for requesting approval to perform outside work and for submitting confidential statements of financial interest.

* * * * *

The above topics have been discussed.

Employee Signature: _____ **Date:** _____

Supervisor Signature: _____ **Date:** _____

Attachment II

“SAMPLE” ED FORM 315-I

U. S. DEPARTMENT OF EDUCATION PROBATIONARY EMPLOYEES CERTIFICATION AND RECOMMENDATION			To:
			From:
			Deadline Date: (for return of this form to HRS in Headquarters or the regional SPO)
Name	Social Security No	Grade	Principal Office, Division, Branch, Section
Position Title		Period Evaluated	
<p>INSTRUCTIONS: Refer to ED PMI 315-1 concerning the probationary period. You, as the supervisor, are required to make a recommendation about whether the employee named above should be retained or separated. If you are going to recommend separation of the employee, notify HRS in Headquarters or the regional SPO at once. Return this form to your servicing HRS or SPO 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 probationary period. I certify that the employee’s performance, conduct, and general traits have been (check one) <input type="checkbox"/> satisfactory <input type="checkbox"/> unsatisfactory.</p> <p>Therefore, I recommend that the employee (check one) <input type="checkbox"/> be retained <input type="checkbox"/> be separated. The basis for my recommendation is as follows:</p>			
Signature of Immediate Supervisor	Title of Immediate Supervisor	Date	
Signature of Reviewing Officer	Title of Reviewing Officer	Date	
ED Form 315-I			

Department of Education
Personnel Manual Instruction 315-1
Probationary Period

Amendment #1
April 5, 2007

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The following correction is made to PMI 315-1, dated 09-27-02, to correct a typographical error. Part III, Section F, Subsection 3 of the PMI has been corrected to read as follows: “Periods of absence while in a **non-pay** status (other than for compensable injury or military duty) are creditable up to a total of 22 workdays.”