



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF INSPECTOR GENERAL

MAR 11 2004

INSPECTION MEMORANDUM

To: Phillip Maestri, Director
Management Improvement Team

From: Cathy H. Lewis
Assistant Inspector General
Evaluation, Inspection and Management Services

Subject: **Review of Blueprint for Management Excellence item number 171 (ED/OIG I13E0005)**

This memorandum provides the results of our inspection of one Action Plan item from the Department of Education's (Department's) Blueprint for Management Excellence. The EIMS group is examining several Action Plan items related to Human Capital. Our objective is two-fold: 1) were the items completed as described; and, 2) as completed, does the action taken help the Department towards its stated Blueprint objective. In this report, we examined item number 171, which called for updating the Department policy for reviewing probationary employees.

Background:

The action required by item number 171 was to:

Update the policy for reviewing probationary employees before they are allowed to receive career status.

The MIT noted in the Blueprint for Management Excellence that this Action Plan item was completed 9/27/02. The basis for the "completion" designation was that the MIT obtained documentation from the action owner (HR) demonstrating the action was finalized. Specifically, the MIT staff received a revised policy for reviewing probationary employees before they are allowed to receive career status.

To accomplish this inquiry, we reviewed PMI 315-1, dated 9/27/02 (Probationary Period policy), and PMI 751-1, which cover non-probationary employees. In addition, we interviewed six Executive Officers from throughout the Department.

Objective 1: Was the action item completed as described?

This action item was completed as described.

A probationary employee is someone who has not yet completed one year of government service and does not yet have career status. The purpose of a probationary period is to assess a probationary employee's performance and to demonstrate proper conduct. 5 C.F.R. §315.804 details that if an employee fails to demonstrate either fitness or qualifications for continued employment, the agency shall terminate the employee during the probationary period.

PMI 315-1 describes the procedures for managers to follow to either allow a probationary employee to receive career status or to terminate the employee before career status is received. While conferring career status has always been fairly straightforward, there has been some uncertainty about how to terminate a probationary employee. As described in PMI 751-1, there are a series of steps required to remove a non-probationary (employee who has been with the agency for one year or more), but the same steps are not required to remove a probationary employee. According to an Office of Management representative, the only requirement to remove a probationary employee is "one letter with the date of removal." The letter must include sufficient information to support the charge used to remove the probationary employee. The standard of proof and the appeal process is limited for probationary employees; therefore, the amount of evidence required for removal is minimized.

None of the Executive Officers interviewed indicated any instances where they have used the guidance to terminate an employee; however, there was general agreement that these new procedures establish clear direction on what actions need to be taken to remove a probationary employee.

Objective 2: As completed, does the action taken help the Department towards its stated Blueprint Objective?

The intention of this Blueprint Action Item was to provide clear guidance to the principal offices for handling probationary employees and, in that respect, help the Department to improve the strategic management of its human capital. Although no component has yet to test the new guidance to terminate a probationary employee, OM has prepared a policy as directed by the Action Item. This document provides specific guidance for managers to follow to either convert an employee to career status or to terminate the employee prior to achieving career status.

Recommendations:

There are no recommendations for this review.



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WASHINGTON, D.C. 20202- _____

February 13, 2004

To: Cathy H. Lewis
Assistant Inspector General
Evaluation, Inspection and Management Services

From: Phillip Maestri, Director
Management Improvement Team

Subject: Draft Inspection Memorandum (January 6, 2004)
Review of MIT Action Item Number # 171 (ED/OIG I13E0005)
"Policy for reviewing probationary employees"

Thank you for the opportunity to review and comment on a draft version of this inspection memorandum.

OIG reviewed the implementation of the *Blueprint* action, "update the policy for reviewing probationary employees before they are allowed to receive career status." The memo reports that OM revised and publicized the relevant policy in September 2002, and the MIT designated the action "completed."

It is interesting to learn of your finding that none of the Executive Officers you interviewed reported using the guidance to terminate an employee. It is good to know that they are aware of the policy.

The MIT agrees with the OIG that there are no further actions needed at this time.

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