



223 FW 4

***Initial Probation for Supervisors
and Managers***

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4.1 What is the purpose of this chapter? This chapter provides policies and procedures governing the probationary period for newly appointed supervisors and managers.

4.2 What are the objectives of this chapter?

A. To provide new supervisory or managerial employees the opportunity for successful development through periodic monitoring and evaluation.

B. To provide high quality supervisors and managers for the Service.

4.3 To whom does this chapter apply? This chapter applies to competitive service supervisory and managerial positions, as defined by the Office of Personnel Management (OPM) General Schedule Supervisory Guide.

4.4 What authorities govern the initial probation for supervisors and managers?

A. Pub. L. 95-454 (Civil Service Reform Act) of October 13, 1978.

B. 5 U.S.C. 3321.

C. 5 CFR 315, Subpart I.

4.5 Who is responsible for the policies and procedures governing probationary periods for supervisors and managers?

A. The **Director** is responsible for Servicewide administration and direction of the policies and procedures governing probationary periods for new supervisors and managers.

B. The **Assistant Director - Budget, Planning and Human Resources** is responsible for the effective administration of the policies and procedures governing probationary periods for new supervisors and managers.

C. The **Human Resources Officer, Division of Human Resources**, is responsible for the development, implementation, and management of Service policy regarding probationary periods for new supervisors and managers.

D. **Regional Directors** are responsible for the proper administration and management of the subject policy within their Region.

E. Regional Personnel Officers are responsible for appropriately carrying out the provisions of this chapter in their respective Region. The Chief, Branch of Headquarters Personnel Operations has the same responsibility for Headquarters.

F. Supervisors will:

- (1) Ensure that probationers under their supervision have written performance plans, including critical results and performance indicators.
- (2) Discuss established performance plans with probationers at the beginning of the probationary period.
- (3) Monitor the performance of the probationers and periodically advise them of the quality of their performance during the probationary period.
- (4) Determine the training needs of each probationer and ensure that appropriate training is provided.

G. Newly-appointed supervisors and managers must:

- (1) Demonstrate ability to successfully perform supervisory and/or managerial functions of planning and organizing the work of the unit.
- (2) Demonstrate ability to successfully assign, direct, and review work performed by subordinates.
- (3) Demonstrate ability to select, promote, train, reward, and discipline employees as needed.
- (4) Demonstrate ability to set and administer performance plans, as well as counsel subordinates on performance.

4.6 What are the definitions for some terms used in this chapter?

A. Probationary period. A 1-year period that provides new supervisors and managers a chance to develop unique skills and abilities that cannot readily be taught or developed in other kinds of positions. A probationary period provides supervisors with an opportunity to assess the new appointee's supervisory or managerial performance (not technical ability or program knowledge) and to return an employee to a nonsupervisory or nonmanagerial position without undue formality if circumstances warrant.

B. Managerial Positions. Managers direct the work of an organizational unit, are held accountable for the success of specific line or staff functions, monitor and evaluate the progress of the organization toward meeting goals, and make adjustments in objectives, work plans, schedules, and commitment of resources. Such positions may serve as head or assistant head of a major organization within a bureau; or direct a specialized program of marked difficulty,

responsibility, and national significance. Managers typically perform duties and responsibilities such as:

- (1) Exercise delegated managerial authority to set a series of annual, multi-year, or similar types of long-range work plans and schedules for in-Service or contracted work.
- (2) Assure implementation (by lower and subordinate organizational units or others) of the goals and objectives for the program segment(s) or function(s) they oversee.
- (3) Determine goals and objectives that need additional emphasis.
- (4) Determine the best approach or solution for resolving budget shortages.
- (5) Plan for long-range staffing needs, including such matters as whether or not to contract out work.
- (6) Make decisions on work problems that subordinate supervisors, team leaders, or similar personnel, or contractors present.
- (7) Deal with general personnel management policy matters affecting the organization managed, with personnel actions affecting key employees, and with other actions with possible serious repercussions; and delegate authority to subordinate supervisors and hold them responsible for the performance of their organizational unit.

C. Deputy Positions. A position in which the incumbent serves as an alter ego to a manager of high rank or level and either fully shares with the manager the direction of all phases of the organization's program and work, or is assigned continuing responsibility for managing a major part of the manager's program when the total authority and responsibility for the organization are equally divided between the manager and the deputy. A deputy's opinion or direction is treated as if it were given by the chief. This definition excludes some positions, informally referred to as "deputy," that require expertise in management subjects but do not include responsibility for directing either the full organization or an equal half of the total organization. For example, the definition specifically excludes administrative, personal, or general staff assistants to managers, and positions at lower organizational or program segment levels that primarily involve performing supervisory duties.

D. Supervisory Positions.

- (1) A position in which the employee accomplishes work through the direction of other people. Those directed may be subordinate Federal civil service employees, whether full time, part time, intermittent, or temporary; assigned military employees; non-Federal workers; unpaid volunteers; student trainees; or others.
- (2) A first level supervisor personally directs subordinates without the use of other subordinate supervisors. A second level supervisor directs work through one layer of subordinate supervisors. Supervisors perform a range of responsibilities such as:

- (a) Assign and review work daily, weekly, or monthly.
- (b) Assure that staff meets production and accuracy requirements.
- (c) Approve leave.
- (d) Assign performance plans and appraisal ratings.
- (e) Plan work of subordinates, set and adjust short-term priorities, and prepare schedules for completion of work.
- (f) Evaluate work performance of subordinates.
- (g) Give advice, counsel, or instruction to employees on both work and administrative matters.
- (h) Effect minor disciplinary measures, such as warnings and reprimands and recommending other action in more serious cases.
- (i) Identify developmental and training needs of employees, and provide or arrange for needed development and training.
- (j) Find ways to improve production or increase the quality of work directed.

4.7 When is a probationary period required?

A. The first time an individual is permanently placed in a competitive service supervisory position. The exception is if the employee has already successfully completed a probationary period in a managerial position.

B. The first time an individual is permanently placed in a competitive service managerial position. If a position is classified as both supervisory and managerial, then only a single probationary period is necessary. If an employee is career-conditionally appointed to a position that is supervisory or managerial, then the successful completion of the probationary period for competitive appointment also fulfills the requirement for the supervisory or managerial probationary period.

4.8 How long is the probationary period? The supervisory or managerial probationary period is 1 year.

4.9 When does the probationary period begin? The beginning date of the probationary period is normally the effective date of the personnel action in which the probationary period is required.

4.10 Are there any exclusions to basic probationary period requirements? Employees who, as of August 11, 1979, were serving or had served in Federal civilian supervisory or managerial positions are exempt from the probationary period requirement. We do not require a former

supervisor to serve a supervisory probationary period, nor do we require a former manager to serve either a supervisory or managerial probationary period. However, a former supervisor must serve a managerial probationary period.

4.11 Does previous service count toward completion of a probationary period?

A. When an employee serving a probationary period is transferred, reassigned, or promoted to another supervisory or managerial position, service performed in the former position counts toward completion of the probationary period in the new position.

B. When an employee vacates a managerial position for a supervisory position, service in the managerial position counts toward completion of the probationary period in the supervisory position.

C. In the absence of records that clearly support an individual's claim that he or she should be exempt from the requirement to serve a probationary period because of previous service in a supervisory or managerial position, we may require the individual to serve a probationary period. An employee who wishes to contest such a determination may do so under the grievance procedures.

4.12 What other types of service count toward completion of a probationary period?

A. When an employee serving a probationary period is placed temporarily in another supervisory or managerial position (e.g., under detail or temporary promotion), the temporary service counts toward completion of the probationary period.

B. When an employee is in a nonpay status while on the rolls (other than absence because of compensable injury or military duty), service is creditable up to a total of 22 workdays. Any nonpay time in excess of the 22 workdays extends the probationary period by an equal amount.

C. When an employee is absent (whether on or off the rolls) due to compensable injury or military duty, service is creditable in full upon restoration to duty in the Federal service.

D. When an employee serves under a temporary appointment in a supervisory or managerial position, that service may be credited only when a conversion to a permanent appointment is made without a break in service.

E. When an employee serves in a supervisory or managerial position under a veterans readjustment appointment, that service is creditable upon the employee's conversion to a supervisory or managerial position in the competitive service.

4.13 What service is not creditable toward completion of a probationary period?

A. When an employee serving a probationary period for a supervisory or managerial position is placed temporarily in a nonsupervisory or nonmanagerial position (e.g., under detail or

reassignment), the temporary service will not count toward the completion of the probationary period of the permanent position.

B. When a probationary employee is separated or demoted under 5 CFR 432, 752, or 315, Subpart H, or is placed in a nonsupervisory or nonmanagerial position for deficiencies in supervisory or managerial performance, the time previously served does not count toward completion of the probationary period.

C. If an employee is retroactively placed in a supervisory or managerial position as a result of a complaint settlement or grievance, the retroactive period will not count toward completion of the probationary period.

4.15 Will I have to serve more than one probationary period? We will not require an employee who completes a supervisory or managerial probationary period to serve another such probationary period regardless of the number of agencies, occupations, or positions in which the employee has served.

4.16 What happens if I fail to successfully complete the probationary period? If, after a reasonable trial, your supervisor determines that you have deficiencies in the performance of supervisory or managerial duties, we will return or reassign you to a nonsupervisory or nonmanagerial position. We will base such action strictly upon your performance as a supervisor or manager, not conduct or other performance-based reasons. The action must be effective before the last working day of your probationary period.

4.17 Who is the deciding official? Any supervisor within the employee's supervisory chain may initiate the decision to return an employee to a nonsupervisory or nonmanagerial position, as long as it is concurred with by the next higher level. We will notify the probationer in writing, listing the reasons behind this determination. Normally, we will provide affected employees written notification of a decision to remove them from supervisory or managerial positions at least 15 calendar days in advance of the effective date of the action.

4.18 To what position will I be returned if I fail to complete the probationary period? Except as noted below, an employee who is removed from a supervisory or managerial position is entitled to be placed in a position of no lower grade and pay than the one he/she left to accept the supervisory or managerial position. We will not apply the highest previous rate rule in these situations. Supervisors may not use reduction-in-force procedures, whereby probationers compete with other employees, to determine the position to which the employee will be returned.

A. A transferee has a right to a position within the Service, not the agency from which transferred. We will make every effort to place the employee within the same commuting area.

B. An employee appointed to a supervisory or managerial position from a register, from a reinstatement action, or from a noncompetitive eligibility action, who is not serving a probationary period under 5 CFR 315, Subpart H, is entitled to be placed in a vacant position equal in grade to that currently held.

C. If the former position (the one the employee left to accept the supervisory or managerial position) is at a higher grade than the supervisory or managerial position, the employee is entitled to be placed in a position at the same grade as the position in which he or she was serving a probationary period.

4.19 Am I entitled to credit toward within grade increases? An employee who is promoted to a supervisory or managerial position and then subsequently returned to the former grade level is entitled to credit toward a within-grade increase at the lower grade for the time spent at the higher grade.

4.20 Am I entitled to grade and pay retention? An employee who is returned to a lower graded position for failure to satisfactorily complete a supervisory or managerial probationary period is not entitled to grade or pay retention.

4.21 What are the documentation requirements?

A. We will document the successful completion of a supervisory or managerial probationary period in the Official Personnel Folder (OPF).

B. Conversely, we will document in the OPF an action to return or reassign an employee for failure to satisfactorily complete the supervisory or managerial probationary period.

C. Servicing personnel offices will inform newly appointed supervisors and managers of the nature of the supervisory or managerial probationary period. This will be accomplished via [Form 3-2204](#) or other written correspondence.

D. Approximately 60 to 90 days prior to the completion of an employee's supervisory or managerial probationary period, the servicing personnel office will send a notice ([Form 3-2205](#)) of its pending completion to the probationer's supervisor. [Form 3-2062](#), which allows the supervisor to indicate successful or unsuccessful completion of the probationary period, will be attached to the notice.

E. Supervisors must return [Form 3-2062](#) promptly. If a supervisor fails to respond, the servicing personnel office will send a second notice ([FWS Form 3-2206](#)).

For additional information regarding this Web page, contact [Krista Holloway](#), in the Division of Policy and Directives Management. For information on the specific content of this chapter, contact the Division of Human Capital.

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