



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

The Director

December 13, 2023

Memorandum for Heads of Executive Departments and Agencies

From: Kiran A. Ahuja
Director

Subject: Maximizing Effective Use of Probationary Periods

As the nation's largest employer, the federal government regularly recruits new talent into the federal workforce. To give agencies an opportunity to assess, on the job, new hires' overall fitness and qualification for continued employment and permit the swift termination when performance or conduct does not meet acceptable standards to deliver on the mission, new employees must generally complete a probationary period. A probationary period is the final evaluative step in the hiring process of a new employee and is an essential and highly effective supervisory tool to evaluate a candidate's potential to be an asset to the agency before the candidate's appointment becomes final.

Therefore, via this guidance, OPM advises agencies to periodically remind supervisors and managers about the value of the probationary period, particularly as they hire new talent. This notice to supervisors could occur 4 months prior to expiration of the probationary period, and then again 1 month prior to expiration of the probationary period, or any other time intervals the agency determines appropriate. When doing so, agencies should also advise a supervisor to make an affirmative decision regarding the probationer's fitness for continued employment or otherwise take appropriate action.

These reminders are designed to help supervisors take full advantage of the probationary period in order to make informed decisions about whether to retain an individual in the agency's permanent workforce. This action also promotes accountability by reminding supervisors of their responsibility to assess the fitness of all probationers and act expeditiously to address any performance or conduct issues.

Attached are Practical Tips for Supervisors of Probationers. Agencies should provide this information to all current and future supervisors for use during the probationary period. These tips explain the value of a probationary period and recommend good management practices for supervisors and managers to follow during this critical assessment opportunity.

If you have questions or need additional information, please contact OPM's Hiring Policy team at Employ@opm.gov or OPM's Employee Accountability Policy team at employeeaccountability@opm.gov.

Attachment: Practical Tips for Supervisors of Probationers

cc: Chief Human Capital Officers (CHCOs), Deputy CHCOs, Human Resources Directors

Practical Tips for Supervisors of Probationers

- **Understand why the probationary period is important.**

The probationary period is the final stage of the hiring process for employees in the competitive service. In most cases, agencies can swiftly terminate probationers who have not demonstrated their fitness for continued employment. It is in the Government's interest to assess probationers before they receive finalized appointments as Federal employees.

- **Know your new hire's rights.**

Most people serve a probationary period, with limited appeal rights upon termination, when they are first hired into the civil service. The process to terminate a probationer usually does not require giving them advanced notice or a right to respond, and their appeal rights afterward are limited, but you do need to follow the rules for how to separate a particular probationer. There are exceptions that may require you to take additional steps. For example, an individual with prior service may have full statutory procedural rights. Be sure to consult with your human resources advisors before taking action.

- **Make full use of the probationary period for employees.**

An appointment is not final until the probationary period is over. Probationers have yet to demonstrate their fitness for the job. Performance and conduct problems often first show up during the initial period of Government employment. This period is designed to provide an opportunity for managers and supervisors to address such problems in an expedient manner. Furthermore, removing probationary employees based on conduct and performance issues is less cumbersome as they are not entitled to most of the procedures and appeal rights granted to employees who have completed probationary periods.

- **Communicate expectations for performance and conduct.**

If your employees don't understand what is expected, it will be very hard, if not impossible, for them to meet those expectations. Providing clear expectations doesn't necessarily require you to lay out precisely written, detailed instructions on conduct or every performance component. Generally, the question you should ask yourself is: "Would a reasonable person understand what was expected?"

- **Provide regular and frequent feedback.**

Feedback, both positive and corrective, whether given in regularly scheduled meetings or in unscheduled discussions, is crucial to ensuring that expectations are understood. Probationers should receive closer supervision and instruction, as needed during the first year of their employment. Managers and supervisors are advised to view this provided time period as an opportunity to potentially course correct with capable employees. These measures aid in preserving the investment the agency has made in the probationer. They also give probationers a fair opportunity to demonstrate why it is in the public interest to finalize an appointment to the Federal service.

- **Set reminders to assess the probationer regularly.**

For some jobs, it may work best to have the reminders appear on your calendar every few months to remind you of your responsibility to assess a probationer's performance and conduct. For other jobs, you may want to set reminders after training courses or the completion of projects. The important thing is that the assessments are continual and that you do not lose sight of the probationary period's end date.

- **Act promptly.**

If you conclude that the person is not a good fit for the job, end the probationary period by ending the employment. A probationer will automatically acquire full statutory procedural and appeal rights as defined in law (5 U.S.C. § 7511, 5 U.S.C. § 4303) if you have not separated the probationer within the probationary period. The probationary period ends when the probationer completes their tour of duty on the day before the anniversary date of the probationer's appointment.

- **Know about the excepted service and the trial period.**

Just as new hires in the competitive service are placed in a probationary period, new hires in the excepted service are placed in a trial period with similar limitations on their procedural and appeal rights. The length of a trial period can vary, so it is important to check with your human resources advisors to know the situation for your particular hire.

- **Remember that there are other types of probationary periods, too.**

An employee is required to serve a probationary period upon initial appointment to a supervisory and/or managerial position in the competitive service. Likewise, there is a probationary period when a person first enters the Senior Executive Service (SES). The length of these periods can vary, and

the consequences for failing these probationary periods are different than the new hire, competitive service probationary period. For this reason, it is important to check with your human resources advisors to know the conditions for your particular situation.

- **Regularly consult your human resources advisors.**

If you have questions about whether you have any probationers, how you should assess them, or the separation process, please reach out to your human resources advisors. They are your partners to make sure that you and your staff are successful.