

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

August 7, 2025

Memorandum for Chief Human Capital Officers

From: Veronica E. Hinton

Associate Director

Workforce Policy and Innovation

Subject: Updated Guidance on President Trump's Executive Order Strengthening

Probationary Periods in the Federal Service

On April 24, 2025, President Trump signed an Executive Order (EO) 14284 entitled, "<u>Strengthening Probationary Periods in the Federal Service</u>." The EO establishes rules and policies for managing probationary and trial periods across both the competitive and excepted services. On April 28, 2025, the Office of Personnel Management (OPM) issued <u>initial guidance</u> to assist agencies implement the new requirements of the EO.

We are issuing updated questions and answers (Qs and As) in Appendix A, and revising Appendices B, C, and E, in part, to clarify the factors used to determine if continued employment is in the public interest. In addition, we are providing new templates (Appendices G, H, and I) which may be used, at the agency's discretion, for communicating the new probationary/trial period requirements to new employees. We are attaching appendices included in the initial guidance along with the new and revised appendices for your convenience.

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

Attachments:

Appendix A: (Updated) - Questions and Answers on the New Probationary and Trial Period Requirements

Appendix B: (Updated) - Sample Certification Determination Notice

Appendix C: (Updated) - Sample Certification Notification to Employee

Appendix D: Sample Petition to the Director of OPM to Reinstate an Employee

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Appendix G: (New) - Sample Statement to be Incorporated into Pre-Employment or Onboarding Documentation

Appendix H: (New) - Sample Employee Acknowledgment of Conditions of Continued Employment

Appendix I: (New) - Sample Probationary/Trial Period Language for Job Announcements

Appendix A: Q&As on the New Probationary Requirements under the President's EO titled, "Strengthening Probationary Periods in the Federal Service"

(Revised by OPM - August 2025)

The new or revised Qs and As are listed at the end of Appendix A

Question: What are the key policies regarding probationary and trial periods set forth in the Executive Order?

Answer: Agencies are to use probationary and trial periods as an extension of the hiring process that requires agency certification before employees continue their Federal employment beyond the probationary or trial period.

- Employees bear the burden of demonstrating why their continued employment through the finalization of their appointment is in the public interest.
- Agencies, in their sole and exclusive discretion, may consider four factors to
 assess whether an employee's fitness for continued employment is in the public
 interest: the employee's performance and/or conduct; the needs and interests of
 the agency; whether the employee's continued employment would advance
 organizational goals of the agency or the Government; and whether the
 employee's continued employment would advance the efficiency of the service.
- If an agency fails to make this certification due to administrative error, the head of an agency may petition the Director of OPM within 30 days of the termination to reinstate the employee.
- The EO removes Merit Systems Protection Board (MSPB) jurisdiction to adjudicate terminated probationary employees' appeals, while allowing the OPM Director to set forth by regulation appeals procedures for terminated probationary or trial period employees.

Question: Will OPM provide new processing codes for documenting terminations during probationary or trial periods?

Answer: Yes, however, establishing new processing codes takes time. Until new codes have been established, agencies should document terminations using Rule 66 of Table 31-B in Chapter 31 of the Guide to Processing Personnel Actions. The Authority Code agencies should use is ZLM, citing Executive Order "Strengthening Probationary Periods in the Federal Service" as the Authority, and using Remark Code S48 to include "Termination under Executive Order 'Strengthening Probationary Periods in the Federal Service' as part of the agency's stated reason." The use of the ZLM code will ensure that probationary or trial period terminations are not coded as being based on performance or conduct.

Question: The EO establishes a trial period for employees in the excepted service. Is this a new requirement?

Answer: Agencies have had discretionary authority to establish trial (or probationary) periods for positions in the excepted service, unless otherwise required by statute or executive order. This EO now requires trial periods for the excepted service and sets the standards for those periods.

Question: How will a probationary or trial period employee demonstrate their continuation of employment is in the public interest?

Answer: As directed in the Executive Order, agencies should consider the four factors enumerated in Civil Service Rule 11.5(d), in their sole and exclusive discretion: an employee's performance and conduct; needs and interests of the agency; whether the employee's continued employment would advance organizational goals of the agency or the Government; and whether the employee's continued employment would advance the efficiency of the service.

Employees serving a probationary or trial period should take every opportunity to demonstrate their fitness and qualifications through sustained high performance, good conduct, and meaningful contribution to their agency's mission. However, the ultimate determination as to whether the probationary or trial period employee's appointment to the Federal service will be finalized rests with the discretion of the agency, as Congress intended when it passed the CSRA.

Question: Will OPM create a template for agencies to use to certify continued employment advances the public interest?

Answer: Yes, we created two templates. The template in Appendix B is a sample fillable form and the template in Appendix C is a sample letter. Agencies have the discretion to utilize another format to fit their needs.

Question: What are the procedures for an agency to petition the Director of OPM to reinstate an employee terminated where an agency failed to certify the employee for continued employee in the Federal service?

Answer: If an agency terminates an employee at the end of the probationary or trial period because of an administrative error in certifying the employee for continued employment in the Federal service, the agency should submit a statement, along with any appropriate documentation, to the Director of OPM at probationaryappeal@opm.gov explaining why it failed to certify continued employment of the employee and why reinstatement meets the requirements of Civil Service Rule 11.5(d) as established by the Executive Order. See the template at Appendix D as an example. The agency may choose to keep the probationary or trial period employee in a duty status during the pendency of any such appeal.

Question: Should agencies communicate these new probationary period/trial period requirements to current employees on probationary/trial periods?

Answer: Yes, agencies should communicate any changes and new agency procedures to current employees serving probationary/trial periods. Additionally, agencies should inform supervisors, managers, and human resources practitioners of these policy and process changes and their roles and responsibilities in executing these provisions.

New or Revised Qs and As

Question: Will OPM issue regulations to implement the requirements of the new EO?

Answer: While many of the provisions of the new EO are self-executing, OPM issued a final rule at <u>90 FR 26727</u> on June 24, 2025, to rescind subpart H of part 315. OPM may issue additional regulations setting forth appeal rights and procedures for terminated probationary/trial period employees.

Question: Do the new probationary/trial period requirements apply to current employees?

Answer: Yes, including the procedural requirements of sections 5(b) through 5(d) of the EO. In addition, Civil Service Rule 11.5 provides specific instructions for the application of the new requirements to current employees on probationary or trial periods.

Question: Do the new probationary/trial period requirements apply to new employees?

Answer: Yes., In addition, the procedural requirements of sections 5(b) through 5(d) of the EO apply for those appointed after July 23, 2025

Question: Do the EO requirements apply to all positions in the excepted service in the Executive Branch, or only those positions subject to title 5, United States Code (U.S.C.)?

Answer: The EO requirements apply to excepted service positions subject to the appointment provisions of title 5, U.S.C., and the implementing regulations of title 5, CFR. This includes positions appointed under title 5 that do not have appeal rights by law.

Question: Are agencies required to establish 2-year trial periods for employees currently not subject to a trial period?

Answer: No. Agencies may not retroactively establish 2-year trial periods for employees who, prior to April 24, 2025, were not serving on trial periods.

Question: Are agencies required to extend 1-year trial periods for employees currently on the rolls?

Answer: No. Agencies may not extend a 1-year trial period for an additional 1 year if the initial trial period began prior to April 24, 2025.

Question: What is the impact of EO 14284 on demonstration projects or alternative personnel subject to chapter 47 of title 5, U.S.C., that include waivers to subpart H of part 315, to provide for longer probationary periods in the competitive service? Will agencies have to adhere to the notification requirements under 5 CFR § 470.315, because the probationary period waiver provisions must be modified?

Answer: For purposes of the demonstration projects under chapter 47 of title 5, U.S.C., changing the citations for probationary periods from part 315 to part 11 do not constitute a significant modification. In this case, the pertinent parts of subpart H of part 315 were reconstituted by the EO and placed under a newly established civil service rule 11. The probationary period language in part 315 that was waived to establish a longer probationary period is now included in § 11.2, but the language is the same (i.e., **the first year** of service for that permanent employee is a probationary period).

Question: Are agencies required to communicate these new probationary period/trial period requirements to individuals being considered for hiring and employment? If so, how should agencies communicate these new requirements?

Answer: Agencies should communicate these requirements, in writing, directly to the individuals being considered for positions within your agency. Agencies should use existing methods for communicating the new probationary/trial period requirements with candidates being considered for employment. In addition, we have developed sample language for inclusion in job announcements and a template that can be used in onboarding documentation (see Appendices G and I).

Question: What date should agencies use to document the certification to retain an employee for continued employment?

Answer: Agencies should use the date the supervisor or other appropriate agency official signs the certification form documenting the decision to retain an employee for continued employment beyond the probationary or trial period as the effective date of the certification.

Question: Should agencies place a copy of the document certifying that an employee's appointment advances the public interest in an employee's electronic official personnel file (eOPF)?

Answer: No. Agencies should not place a copy of the certification in an employee's electronic official personnel file. Such documents may be kept in the supervisor's personnel file for the employee or other centralized location appropriate for storing such documents, and although not a part of the eOPF, the records will be covered under OPM's Govt-1 SORN for General Personnel Records. The copy of the certification should be retained for 1 year after the date of certification to permit OPM oversight and review. Annual performance evaluation and ratings would then be used for determining continued employment.

Question: Do agencies need to submit the certifications to OPM?

Answer: No. Agencies are not required to submit copies of the certifications to OPM.,

Question: Can agencies simply designate first-line supervisors as the designated evaluators for probationary or trial period employees?

Answer: Agencies should not simply designate first-line supervisors as the evaluators of probationary or trial period employees. Instead, agencies should designate at-least the second-line supervisor, and ideally an official who is either politically appointed and/or is at the Senior Executive Service (SES) or equivalent level (such as a component or office head). This is to ensure that organizational goals and agency needs are properly considered in evaluating the continued service of probationary or trial period employees. Such officials should solicit the views of first-line supervisors.

Question: How will OPM ensure compliance with the new EO across government?

Answer: OPM's Office of Merit System Accountability and Compliance will conduct a datadriven evaluation to ensure agencies are complying with the requirements of the EO. In addition, OPM will monitor progress via periodic data calls.

Question: If an agency fails to notify the employee in advance of their termination or process their termination before the end of their tour of duty on the last day of their probationary or trial period, does the employee continue to serve in his or her position?

Answer: No. An agency's failure to provide advance written notice or process the termination before the end of the employee's tour of duty on the last day of their probationary or trial period does not automatically finalize the employee's appointment for continued employment in the Federal government. Under 5 CFR 11.5, agencies must certify an employee within the 30 days prior to the end of the employee's probationary or trial period for the employee to continue employment in the Federal service. Without such certification, the employee is terminated by operation of these regulations and Executive Order 14284. In the rare circumstances where an agency fails to make a timely certification and out process the employee, the agency should consider whether to submit a petition to the Director of OPM under 5 CFR 11.5(f) to request reinstatement of the employee. Where the time period to submit a petition has elapsed or the agency declines to file a petition, it must take prompt and immediate action to terminate the employee including following its internal procedures for the collection of any debts.

To ensure agencies act promptly to reach decisions, they should develop new or modify existing automated processes in their human resources information systems that alert supervisors and human resources specialists when their employees are near the end of their probationary and trial periods. Alerts of 30 and 90 days before the end of the probationary and trial periods should be sufficient for agencies to take steps to evaluate each employee for continued service in the Federal government.

Question: Should agencies place a copy of the written termination letter on the permanent side of an employee's eOPF?

Answer: No. The official documentation related to terminating a probationer should be filed in an adverse action case file (or agency equivalent) as described in System of Record Notice (SORN) OPM GOVT-3 Records of Adverse Actions, Performance Based Reductions In Grade and Removal Actions, and Terminations of Probationers: 71 FR 35350 (6/19/2006), 87 FR 5874 (2/2/2022). This SORN also provides retention and disposal requirements. Copies of the material may also be filed in the Supervisors Personnel File and disposed of in accordance with National Archive and Records Administration General Records Schedule 2.2 item 080.

Question: If an agency terminates an employee appointed to a position in the competitive service before April 24, 2025, and who is serving a probationary period, is the employee entitled to appeal his or her termination under the procedures of the now-revoked 5 CFR 315.806?

Answer: Employees may seek to file an appeal with the Merit Systems Protection Board. The Board will determine whether or not it has jurisdiction to hear the appeal under 5 CFR 315.806.

Appendix B: Sample Notification to Certify an Employee's Appointment Advances the Public Interest

Revised by OPM - August 2025

Agency Certification for Continued Employment Civil Service Rule 11.5		
Name of Certifying Official:		
Official Title:		
Certification for Continued Employment:	[Provide Justification or The Following Statement] [Insert Employee Name] has demonstrated the	
	knowledge, skills, and competence to perform the duties of [Position]. Further, finalizing the appointment of [Insert Employee Name] advances the public interest. In reaching this conclusion, I considered the employee's performance and conduct, the needs and interests of [Insert Agency Name], whether continued employment would advance the organizational goals and mission of [Insert Agency Name or "the Government"], and whether continued employment would advance the efficiency of the service. [Insert Employee Name] has demonstrated [his or her] continued employment with the Federal government is in the public interest. [Insert any additional information, as applicable]	
Signature:		
Date:		
Receipt Acknowledged by Employee:		
Date:	Signature:	
	Print Name	

Appendix C: Sample Notification to Employee to Certify an Employee's Appointment Advances the Public Interest

Revised by OPM - August 2025

SUBJECT: Certification of Continued Employment under Section 11.5

[Employee Name] [Employee Identifying Number] [Mailing Address]

Certification by Agency Official:

This document serves as certification that the continued employment of [Insert Employee Name] advances the public interest [Insert Employee Name] has demonstrated [his or her] continued employment with the Federal government is in the public interest. [Insert any additional information, as applicable].

· · · ·	
Signature:	
Name of Agency Official:	
Title:	
Date:	
Receipt Acknowledged by Employee:	
Date:	Signature:
	Print Name:

Appendix D: Sample Petition to the Director of OPM to Reinstate an Employee

SUBJECT: Petition to Reinstate Former [Agency Name] Employee under Civil Service Rule 11.5(f)

[Former Employee Name]
[Employing Organization, Position Title, PP-SRS-GR]
[Employee Identifying Number] (do not use Social Security Numbers)
[Mailing Address]
[Date of Termination]

The [Agency Name] requests that the Director of the Office of Personnel Management grant this petition to reinstate [Former Employee's Name], [Former Employee's Title].

[Insert Certification Justification]

Appendix E: Sample Termination Notice to Probationary/Trial Employee Revised by OPM - $August\ 2025$

Employee Subject: Termination Notice	
[Employee Name] [Employee Identifying Number] [Mailing Address]	
In accordance with section 11.5 of title 5, C document serves as notice that [Insert Agency Name continued employment with [Insert Agency Name] be [Insert Date]. [Insert any additional information opportunity to insert any HR contacts about benefit	ne] has decided not to certify your . Your effective termination date will , as applicable. This may be an
Agency Official:	
Signature:	
Name of Agency Official:	
Title:	
Date:	
Receipt Acknowledged by Employee:	
Date:	Signature:

Print Name:

Appendix F: New Civil Service Rule XI Created by Strengthening Probationary Periods in the Federal Service

PART 11—Probationary and Trial Periods (Rule XI)

Sec.

- 11.1 Scope
- 11.2 Probationary Period; When Required
- 11.3 Trial Period; When Required
- 11.4 Crediting Service
- 11.5 Completion of Probationary or Trial Period
- 11.6 Appeals

§ 11.1 Scope

This rule applies to probationary periods in the competitive service and trial periods in the excepted service, except where provided otherwise by statute. It has no application to probationary periods in the Senior Executive Service.

§ 11.2 Probationary Period; When Required

- (a) The first year of service of an employee who is given a career or career-conditional appointment in the competitive service under the Civil Service Regulations is a probationary period when the employee:
 - (1) Was appointed from a competitive list of eligibles.
 - (2) Was reinstated (including reinstatement from a Reinstatement Priority List), unless during any period of service that affords a current basis for reinstatement the employee completed a probationary period of at least 1 year or served with competitive status under an appointment that did not require a probationary period; provided that the date of reinstatement begins a new 12-month probationary period if one is required under paragraph (a) of this section.
- (b) A person who is required to go through a probationary period and then is transferred, promoted, demoted, or reassigned in accordance with the Civil Service Regulations before he or she completes such period is required to complete the remainder of the probationary period in the new position.
- (c) Upon noncompetitive appointment to the competitive service under the Postal Reorganization Act (39 U.S.C. 101 et seq.), an employee of the Postal Career Service (including a substitute or part-time flexible employee) who has not completed 1 year of Postal service must serve the remainder of a 1-year probationary period in the new agency.
- (d) A person who is appointed to the competitive service either by a special appointing authority or by conversion to a career or career-conditional appointment under the Civil Service Regulations must serve a 1-year probationary period unless specifically exempt from such period by the special appointing authority itself.

(e) Employees promoted, transferred, or otherwise assigned, for the first time, to supervisory or managerial positions shall be required to serve a probationary period under terms and conditions prescribed by the Office of Personnel Management (OPM). If an employee is required to concurrently serve both a probationary period in a supervisory or managerial position under 5 C.F.R. part 315, subpart I, and a probationary or trial period following initial appointment or reinstatement under this Civil Service Rule, the latter takes precedence and fulfills the requirements of this paragraph.

§ 11.3 Trial Period; When Required

- (a) The first year of continuous service in the same or similar position of a preference eligible in the excepted service, or the first 2 years of continuous service in the same or similar position of an individual in the excepted service (other than a preference eligible), is a trial period.
- (b) A person who is required to go through a trial period and is transferred, promoted, demoted, or reassigned before he or she completes the trial period is required to complete the remainder of the trial period in the new position.
- (c) An individual who separates from the Federal service for a period of more than 30 days after completing a trial period, and who subsequently is reappointed to an excepted service position, must complete a new trial period unless such individual is appointed to the same or a substantially similar position in the same agency as their most recently held position.

§ 11.4 Crediting Service

- (a) Prior Federal civilian service (including nonappropriated fund service) counts toward completion of a probationary or trial period, as applicable, when the prior service:
 - (1) Is in the same agency, e.g., Department of the Army;
 - (2) Is in the same line of work, as determined by the employee's actual duties and responsibilities; and
 - (3) Contains or is followed by no more than a single break in service that does not exceed 30 calendar days.
- (b) Periods of absence while in a pay status count toward completion of a probationary or trial period. Absence in nonpay status while on the rolls (other than for compensable injury or military duty) is creditable up to a total of 22 workdays. Absence (whether on or off the rolls) due to compensable injury or military duty is creditable in full upon restoration to Federal service. Nonpay time in excess of 22 workdays extends the probationary period or trial period by an equal amount.
- (c) The probationary or trial period for part-time employees is computed on the basis of calendar time, in the same manner as for full-time employees. For intermittent employees, i.e., those who do not have regularly scheduled tours of duty, each day or part of a day in pay status counts as one day of credit toward the 260 days or 520 days, as applicable, in a pay status required for completion of a probationary or trial period. Under no circumstances shall the probationary or trial period be completed in less than 1 year of calendar time.

§ 11.5 Completion of Probationary or Trial Period

- (a) Agencies shall utilize probationary and trial periods required upon initial appointment or subsequent reinstatement to evaluate employees' fitness and whether their continuation of employment advances the public interest. If not terminated sooner, an employee's service terminates before the end of the tour of duty on the last day of their probationary or trial period unless their agency certifies within the 30 days prior to that date that finalizing their appointment advances the public interest.
- (b) A probationary or trial period ends when the employee completes his or her scheduled tour of duty on the day before the anniversary date (or, as applicable, 2-year anniversary date) of the employee's appointment. For example, when the last workday is a Friday and the anniversary date is the following Monday, a probationer will be separated before the end of the tour of duty on Friday if their agency does not make the requisite certification that their continued appointment advances the public interest.
- (c) An employee on a probationary or trial period bears the burden of demonstrating why their continuation in employment through the finalization of their appointment to the Federal service is in the public interest.
- (d) In determining whether it is in the public interest to finalize the appointment to the Federal service of an employee in a probationary or trial period, the agency head, or his or her designee, may consider, in his or her sole and exclusive discretion:
 - (1) the employee's performance and conduct;
 - (2) the needs and interests of the agency;
 - (3) whether the employee's continued employment would advance organizational goals of the agency or the Government; and
 - (4) whether the employee's continued employment would advance the efficiency of the service.
- (e) Before an agency terminates the service of an employee serving a probationary or trial period, it shall notify such employee in writing as to the effective date of the action.
- (f) If an agency fails to make a certification under Civil Service Rule 11.5 due to an administrative error, the agency head may petition the Director of OPM within 30 days from the date of termination to reinstate the employee.
- (g) This section shall not apply to an employee serving a probationary period due to being promoted, transferred, or otherwise assigned, for the first time, to a supervisory or managerial position, unless such employee is required to concurrently serve both a probationary period in a supervisory or managerial position and a probationary or trial period following initial appointment or reinstatement under this Civil Service Rule.

§ 11.6 Appeals

(a) The Director of OPM may by regulation prescribe circumstances under and procedures by which employees terminated from a probationary or trial period may appeal such termination. Page 14 (b) Except as otherwise required by law, such appeals shall be the sole and exclusive means of appealing terminations during probationary or trial periods."

(New) Appendix G: Sample Statement to be Incorporated into Pre-Employment or Onboarding Documentation

As a condition of employment for accepting the position of [Insert Position Title and Grade], with [Insert Agency Name], you will be required to serve a 1-year probationary period (OR INSERT "2-year trial period") during which we will evaluate your fitness and whether your continued employment advances the public interest. In determining if your employment advances the public interest, we may consider the following:

• performance and conduct;

Print Name

- the needs and interests of the agency;
- whether your continued employment would advance organizational goals of the agency or the Government; and
- whether your continued employment would advance the efficiency of the service.

Upon completion of your probationary period (OR INSERT "trial period") your employment will be terminated unless you receive certification, in writing, that your continued employment advances the public interest.

If you do not receive certification for continued employment, you should receive written notice prior to the end of your probationary period (*OR INSERT "trial period"*) that your employment will be terminated and the effective date of such termination.

Agency Note: If the above is provided in wrequired, please add a signature area:	writing to the employee, and acknowledgement is
Receipt Acknowledged by Employee:	
Signature of Employee	 Date

(New)Appendix H: Sample Employee Acknowledgment of Conditions of Continued Employment

(This template may be provided to new employees to acknowledge receiving information on the probationary/trial period requirements for continued employment. Agencies may use this template where Appendix G did not include an employee acknowledgement.)

This letter serves as notice that I, [Insert Employee Name] received information concerning the requirements for continued employment as a [Insert Position Title and Grade] with [Insert Agency Name].

I understand I will serve a 1-year probationary period (OR INSERT "2-year trial period") in which you will evaluate my fitness and whether my continuation of employment advances the public interest.

I understand I bear the burden of demonstrating why my continued employment with the Federal government is in the public interest.

I understand upon completion of my probationary period (OR INSERT "trial period") my employment will be terminated unless I receive certification, in writing, that my continued employment advances the public interest.

I understand that [Insert Agency Name] should (1) notify me in writing prior to the end of my probationary period (OR INSERT "trial period") if [Insert Agency Name] did not certify my continued employment and (2) provide me in writing the effective date of my termination.

Signature of Employee	Date	
Print Name	_	
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(New)Appendix I: Sample Probationary/Trial Period Language for Job Announcements

In an appropriate section of the job opportunity announcement on USAJOBS (e.g., under "Conditions of Employment") or in an appropriate section in other public facing job postings, please insert the following language, or language that meets the requirements, spirit and intent of section 11.5 of EO 14284:

As a condition of employment for accepting this position, you will be required to serve a 1-year probationary period (*OR INSERT "2-year trial period"*) during which we will evaluate your fitness and whether your continued employment advances the public interest. In determining if your employment advances the public interest, we may consider:

- your performance and conduct;
- the needs and interests of the agency;
- whether your continued employment would advance organizational goals of the agency or the Government; and
- whether your continued employment would advance the efficiency of the Federal service.

Upon completion of your probationary period (OR INSERT "trial period") your employment will be terminated unless you receive certification, in writing, that your continued employment advances the public interest.