



DEPARTMENT OF THE NAVY  
UNITED STATES NAVAL ACADEMY  
ANNAPOLIS, MARYLAND 21402-5000

USNA/AACINST 12315.1B  
24/MER  
29 August 1990

USNA/AAC INSTRUCTION 12315.1B

From: Superintendent, U.S. Naval Academy/Annapolis Area Coordinator

Subj: PROBATIONARY PERIOD FOR CIVILIAN EMPLOYEES

Ref: (a) 5 CFR, Part 315, Subpart H (NOTAL)  
(b) FPM Chapter 315 (NOTAL)

1. Purpose. To apprise managers and supervisors of civilian employees of the significance of the probationary period per references (a) and (b).

2. Cancellation. USNA Instruction 12315.1A

3. Purpose of Probationary Period

a. Relationship to the examining process. The probationary period is a final and highly significant step in the examining process. It provides the final indispensable test in the evaluation of an employee, that of actual performance on the job. During the probationary period, the employee's conduct and performance in the actual duties of his/her position will be observed, and he/she may be separated from the service without undue formality if circumstances warrant. Thus, the probationary period, properly employed, provides protection against the retention of any person who, in spite of having passed preliminary tests, is found in actual practice to be lacking in fitness, and capacity to acquire fitness, for permanent government service.

b. Effect on probationer. Properly used, the probationary period affords an opportunity for fostering the interest of the probationer as well as of the service. For most appointees, the probationary period is the first contact with federal service. Intelligent and considerate treatment during the probationary period will often have a lasting effect on the career of the employee, and will often save for useful and efficient federal service, employees who would otherwise be separated, or retained in positions in which they have little prospect of success.

4. Applicability and Length of Probationary Period. This instruction is applicable to all eligible Department of the Navy (DON) employees as cited below within the organizations serviced by the Civilian Personnel Department (CPD). (R)

a. Career and career-conditional appointments from registers. An eligible given a career-conditional or career appointment by selection from a certificate of eligibles is required to serve a probationary period of one year. This applies not only to the first appointment of this kind, but to any subsequent career or career-conditional appointment by selection from a certificate of eligibles issued by the Office of Personnel Management (OPM), regardless of whether the appointee had previously completed a probationary period.

b. Reinstatements

(1) Upon reinstatement to serve in a career or career-conditional appointment, an employee is required to serve a new probationary period of one year beginning on the date of reinstatement unless, during any period of service which affords a current basis for reinstatement, he/she either completed a probationary period or served with competitive status under an appointment which did not require him/her to serve a probationary period.

(2) Subparagraph 4b(1) does not apply to reinstatements from the reemployment priority list if reinstatement is in the agency and commuting area from which separated. In this event, the employee must merely complete any probationary period he/she was serving when separated.

c. Position changes and transfers. The promotion, change to lower grade, reassignment, or transfer of a career or career-conditional employee before he/she has completed probation is subject to satisfactory completion of the probationary period in the new position. The employee does not have to serve a new probationary period after a position change or transfer, regardless of a change in his/her line of work.

5. Evaluation of Probationer by Supervisor. During the probationary period, the supervisor should take the following action:

a. Observe the employee's conduct, general character traits, and performance closely.

b. Give the employee proper guidance.

c. Study the employee's potentialities closely and attempt to determine whether the employee is suited for successful Government work.

d. If it becomes apparent, after full and fair trial, that the employee's conduct, general character traits, or capacity do not fit him/her for satisfactory service, action should be taken to separate the employee. The action should be taken in sufficient time for the employee to be notified, prior to the expiration of the probationary period, of his/her separation.

e. The supervisor of each employee serving a probationary period must, no earlier than the beginning of the 9th month or later than the end of the 10th month of the period, certify either that the employee's performance, conduct, and general traits of character have been found satisfactory or that they have been found unsatisfactory. The CPD sends a notice to the appropriate department 90 days in advance of the end of the employee's probationary period. The supervisor is to complete the notification, indicating whether or not the probationer should be retained beyond the probationary period and return the signed statement through the proper supervisory channels to CPD.

#### 6. Separation of Probationers

a. For unsatisfactory performance or conduct after appointment. The authority to separate probationers for unsatisfactory performance or conduct after appointment is delegated to the head of the department or academic division.

(1) This action may be based upon deficiency in duty performance, lack of aptitude or cooperativeness, or undesirable suitability characteristics evidenced by his/her activities either during or outside official working hours.

(2) Termination action should be initiated whenever the probationer's work performance or conduct fails to demonstrate fitness or qualifications for continued federal employment. A decision to terminate should not be made in haste. Before making a recommendation to retain or separate a probationary employee, the supervisor must take the time to carefully appraise the employee's post-appointment performance and conduct. On the other hand, the decision should be made prior to the end of the probationary period so the employee is not informed on the last possible day of his/her impending separation.

(3) When separation action is based entirely on deficiencies in performance or conduct after entrance on duty, the probationer is notified in writing why he/she is being terminated and the effective date of the action. The information in the notice must, at a minimum, consist of the agency's conclusion on the inadequacies of his/her performance or conduct. The employee is not given a right of reply.

(4) While it is not required, it is good personnel practice to furnish separated probationers with enough factual information (as distinguished from conclusions) about performance or conduct deficiencies to make the basis for the action clear.

(5) The notice should inform the employee of the specific basis upon which he/she can appeal to the Merit Systems Protection Board (MSPB).

#### b. For conduct before appointment

(1) The authority to propose the termination of a probationary employee for pre-appointment reasons is delegated to the head of the department or academic division. The authority to decide is delegated to the cost center head or activity head (tenant activities). Cost center/activity heads may redelegate this authority in writing with a copy to the CPD, Management-Employee Relations (MER) Division.

(2) When the termination of an employee serving a probationary period is proposed for reasons based in whole or in part on conditions arising before his/her appointment, the employee is entitled to an advance written notice stating in detail the specific reasons for the proposed action; the right to reply; consideration of his/her reply; a decision which must be delivered on or before the effective date of the action; and information on his/her right to appeal to the MSPB.

7. Appeal rights. An employee who is terminated during his/her probationary period has limited appeal rights to the MSPB per references (a) and (b).

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8. Action. Supervisors and managers are to follow the guidelines in this instruction and references (a) and (b) in evaluating probationers. Probationary employees will not be separated without prior consultation with an Employee Relations Specialist from the MER Division, CPD, extension 2804 or 2533.

  
B. A. SPOFFORD  
Deputy for Operations

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