

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS DIRECTIVE

4315.2
Revision 1

11/3/14

PROBATIONARY PERIOD FOR NEWLY APPOINTED EMPLOYEES

I. PURPOSE

This directive provides policy and procedures for supervisors and other Agency officials responsible for deciding whether to retain or terminate employees who are serving probationary periods upon appointment to the Competitive Federal Service or the Excepted Service. FSIS is reissuing this directive to update the instructions so that managers and new employees gain a full understanding of the requirements that apply to the probationary period.

NOTE: See [FSIS Directive 4315.3](#), *Probationary Period for Newly Appointed Supervisors and Managers*, regarding probationary periods for supervisors and managers.

II. CANCELLATION

This directive cancels FSIS Directive 4315.2, Probationary Period, 3/3/82

III. POLICY

The probationary period is the final step in the examination and appointment process. It is designed so that supervisors can assess whether an employee can perform the duties of a job. During the probationary period, supervisors are to assess an employee's capability to perform the duties of the assigned position. In accordance with 5 CFR 315.803, a probationary employee's employment can be terminated at any time that work performance or conduct fails to demonstrate fitness for continued employment. FSIS will:

1. Provide employees and appointees serving a probationary period a full and fair evaluation with no consideration of non-merit factors such as race, sex (including gender identity or expression), sexual orientation, color, national origin, age, physical or mental handicap, or retaliation for prior EEO activity;
2. Retain employees who demonstrate the capability to perform the duties of the position for permanent employment and terminate employees who do not; and
3. Retain employees who demonstrate the appropriate workplace behavior and conduct in accordance with principles set forth in applicable laws, regulations, Executive Orders, and guidance as outlined in [FSIS Directive 4735.3](#), *Employee Responsibilities and Conduct*.

IV. APPLICABILITY AND LENGTH OF PROBATION

All new Competitive and Excepted Federal Service employees serve a probationary period. The probationary period is as follows:

1. All Competitive Service employees are required to complete a one-year probationary period;
2. Excepted Service employees are required to complete a probationary period of one to two years. The period is determined by the number of hours the employee works during the probationary period since most, if not all, FSIS Excepted Service employees are intermittent and do not work a full-time schedule. Supervisors are to monitor the progress of probationers, even in the early weeks of the probationary periods;
3. Appointees who are entering the Competitive Federal Service and who previously served in the Competitive Federal Service may receive credit toward completion of the one-year probationary period. Human Resources Operations (HRO) determines whether prior service satisfies any portion of the probationary period requirement and notifies supervisors and employees accordingly; and
4. Extended leave without pay (LWOP) for either military service or the Federal Employee's Compensation Act (FECA), which provides workers' compensation benefits, is included in the one-year probationary period. LWOP extended beyond 22 work days granted for reasons other than military service or FECA, is not included in the probationary period and will generally extend the probationary period for the amount of time beyond 22 work days.

V. SUPERVISOR RESPONSIBILITIES

A. For employees who enter into Federal service, supervisors are to:

1. Provide orientation about the Agency and work unit rules, regulations, and policies; and
2. Inform employees about the standards of conduct, including:
 - a. 5 CFR 2635, Standards of Ethical Conduct for Employees of the Executive Branch;
 - b. Departmental Regulation 4070-735-001, *Employee Responsibilities and Conduct*;
 - c. [FSIS Directive 4735.3](#); and
 - d. [FSIS Directive 4735.9](#), *Ethics and Conflicts of Interest*.

B. During the probationary period, supervisors are to:

1. Provide assistance, guidance, and training to help employees meet the standards of the job;
2. Observe and appraise the employees' performance and conduct;
3. Review employees' performance and assess it based on the employees' performance standards periodically, as outlined in Departmental Regulation 4040-430, Performance Management;
4. Discuss and document employees' performance deficiencies, attendance, conduct, or lack of aptitude or cooperation, as discussed in Departmental Regulation 4040-430, Performance Management; and [FSIS Directive 4735.3](#); and

5. Complete and submit Form AD-507, *Probationary or Trial Period Report*, when it is received from HRO. This form is normally sent by HRO 120 days before the end of the probation period. If the supervisors recommend retention, they do not need to take further action beyond submitting this form.

C. After the AD-507 is submitted to HRO, supervisors are to continue to observe the employees' performance and conduct. Supervisors are to also document and retain in their office or supervisory file any information they receive that reflects on the employee's fitness for retention.

D. If deficiencies indicate that appropriate action must be taken, or that a termination may be necessary, supervisors are to notify the Labor and Employee Relations Division (LERD), Employee Relations Branch (ERB) immediately upon documenting the deficiencies, but no later than 3 months prior to the end of the probationary period, by calling Employee Relations on 1-800-217-1886 and then submit the request for appropriate action to Employee.Relations@fsis.usda.gov. Supervisors are not to wait for the AD-507 to request termination and are to speak with an Employee Relations Specialist as soon as they discover deficiencies.

E. Probationary employees may be terminated at any time during the probationary period. Supervisors are to contact the LERD office for guidance in specific cases. Reasons for recommending termination of a probationer includes:

1. Unacceptable or minimally acceptable performance in a critical element;
2. Unacceptable or minimally acceptable performance in the entire job, as reflected in a composite appraisal of all performance elements;
3. Excessive tardiness or a poor attendance record, such as excessive absenteeism or other situations that prevents the probationer from performing critical elements of their duties;
4. Failure to accept direction or supervision;
5. Inability to deal effectively with fellow employees, the establishments that FSIS regulates, or the general public;
6. Conduct unbecoming a Federal Service employee, as noted in [FSIS Directive 4735.3](#); or
7. Medical or suitability reasons, as stated in the Physical Requirements & Medical Standards for Inplant Positions and 5 CFR Part 731 respectively, which did not exist at the time of appointment, and for which reasonable accommodation is not possible.

F. When recommending termination, supervisors are to assemble documentation for employees' proficiencies and deficiencies, including letters of warning, records of discussions, performance standards, records of accomplishment, and time and attendance records, and attach the supporting documentation in an e-mail request as soon as they discover the deficiencies that warrant terminating an employee. Supervisors are to follow up with ERB to ensure that the case has been assigned a specialist no later than 5 business days after the e-mail request was originally sent. Supervisors also are to allow the LERD office at least 3 months before the last day, prior to the anniversary date, of the last scheduled workweek in the probationary period to process and deliver a termination letter.

VI. LERD RESPONSIBILITIES

- A. LERD is to provide advice and assistance to supervisors on individual cases.
- B. LERD is to prepare the termination letter, or to initiate other necessary action, on the basis of the request for termination from the supervisor if warranted. Once LERD prepares a letter of termination, the supervisor is to deliver the letter to the employee within the deadline provided by LERD. In most cases, the effective date is "immediately upon receipt."

VII. QUESTIONS

Refer questions regarding this notice to LERD on 301-504-5946.

A handwritten signature in black ink, appearing to read "David Joseph". The signature is fluid and cursive, with a large initial "D" and "J".

Assistant Administrator
Office of Policy and Program Development