

## Subchapter 9. Probation on Initial Appointment to a Supervisory or Managerial Position

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### 9-4. BASIC REQUIREMENTS

**a. When probation is required.** (2) An Operating Administration may permit exclusions from the requirement for a probationary period the first time an individual is permanently placed in a managerial position, provided such exclusions are based on a written policy which meets the following requirements:

(a) It must provide that such exclusions may be made only on an individual basis;

(b) It must require written documentation of the reasons for the exclusion, including evidence of demonstrated success as a supervisor in exercising the knowledges, skills, abilities and other characteristics necessary to perform the managerial duties described in the Supervisory Grade Evaluation Guide;

(c) It must identify the official(s) authorized to approve such exclusions.

**c. Option for temporary service.** When such a temporary assignment to a supervisory or managerial position is expected to exceed 120 days, the employee is required to serve a probationary period. If the employee satisfactorily completes the required probationary period (see section 9-4.d.) while on the temporary assignment, the appropriate requirements of section 9-4.a. would be met. For example, if the temporary assignment is to a supervisory position, the requirement for the supervisory probationary period would be met, although the employee would still be subject to the requirement for a managerial probationary period if appointed to such a position. (See section 9-8 for crediting service when probation is not completed under temporary assignment.)

**d. Length.** The probationary period for both managers and supervisors is one year. The period begins on the effective date of the official personnel action assigning the employee to the position.

### 9-6. FAILURE TO SATISFACTORILY COMPLETE THE PROBATIONARY PERIOD

**a. Unsatisfactory performance.** Because of the need for a fair evaluation of performance, action to return or reassign an employee to a nonsupervisory or nonmanagerial position may not be taken during the first 90 calendar days following appointment to a supervisory or managerial position. However, this 90-day requirement does not apply to actions taken against employees serving probationary periods for new competitive appointments or to actions for reasons other than satisfactory performance of supervisory and managerial duties.

**c. Who makes the decision.** (1) The decision to return or reassign an employee to a nonsupervisory or nonmanagerial position is not grievable but may, if requested by the employee, be reviewed by the third level supervisor. An Operating Administration must notify the employee of the right to third level review in the written notification required by section 9-6.d.

(2) There is no right to such a review when the third level official is either the Deputy Secretary or the Secretary. In such instances, decisions made by Heads of Operating Administrations and other officials reporting directly to the Secretary are final.