

FAS Staffing Advisory Section

PROBATIONARY PERIODS

Frequently Asked Questions

For Additional Information: (703)-696-6301, Team 4; Staffing Advisory 3, DSN 426-6301

According to 5 CFR 315.803, the purpose of the probationary period is to determine as fully as possible the fitness of the employee. 5 CFR 315.802 requires that the probationary period be 1 year. However, there are conditions under which prior service is counted toward completion of the probationary period. This guidance provides information on when a probationary period is required and how previous Federal service can be credited toward completion of the required probationary period.

Q1. Does a current Federal employee who applied and was selected from a DEU certificate have to serve a new probationary period?

A1. Yes. Under 5 CFR 315.801(a)(1), such an individual would be required to serve a new probationary period. However, there may be instances in which prior Federal service is creditable toward completion of the probationary period. Please see additional FAQs below.

Q2. What criteria are used to determine if prior Federal service is creditable toward the completion of a probationary period?

A2. Prior Federal civilian service is creditable toward the completion of the probationary period, so long as the prior service was:

1. rendered immediately preceding the permanent appointment,
2. in the same line of work,
3. in the same agency, and
4. with no more than one break in service of less than 30 days.

(5 CFR 315.802(b))

Q3. How is “agency” defined for the purposes of probation?

A3. Agency is defined as Department of the Army, Navy, Air Force, and the individual DoD Components.

Q4. How do you determine if prior Federal service meets the “same line of work” criterion?

A4. Same line of work is determined by the employee’s actual duties and responsibilities. The duties and responsibilities must be similar in nature and character and require substantially the same qualifications, so that an employee could be interchanged between positions without significant training or undue interruption of work. While positions at different grade levels would usually be considered different lines of work, agencies must make these determinations on a case by case basis.

Q5. Is an employee who is transferred, reassigned, promoted or demoted before completing probation required to serve a new 1-year probationary period in the new position?

A5. No. The employee will be required to complete the remainder of the original probationary period in the new position. (5 CFR 315.801(b))

Q6. Are individuals selected under VEOA exempt from the probationary period requirement?

A6. No. Employees are required to serve a new probationary period when they are given a new competitive service appointment under a special appointing authority, unless specifically exempt from probation under that appointing authority. The VEOA authority does not include an exemption from the probationary period requirement. VEOA appointees are, therefore, required to serve a probationary period. (5 CFR 315.801(e))

Q7. Are individuals converted to the competitive service from VRA appointments exempt from the probationary period requirement?

A7. Yes. These employees are exempt from the probationary period requirement following conversion to a career or career-conditional appointment. (5 CFR 315.705(c), 38 USC 4214(b)(1)(D)(ii))

Q8. How is service toward completion of the probationary period computed for part-time employees?

A8. The completion of the probationary period for part-time employees is computed on the basis of calendar time. Periods of absence while in a pay status count toward completion of probation. Absence in a non-pay status while on the rolls (other than for compensable injury or military duty) is creditable up to a total of 22 workdays. Non-pay time in excess of 22 workdays extends the probationary period by an equal amount. (5 CFR 315.802(c) and (d))

Q9. How is service toward completion of the probationary period computed for intermittent employees?

A9. For those who do not have regularly scheduled tours of duty, each day or part of a day in a pay status counts as 1 day of credit toward the 260 days in a pay status required for completion of probation. However, the probationary period cannot be completed in less than 1 year of calendar time. (5 CFR 315.802(d))

Q10. Are there any exceptions or waivers to the probationary period requirement?

A10. No. Probationary periods cannot be excepted or waived, even by the Office of Personnel Management.

Q11. Management has selected a reinstatement eligible for a vacant position. Can management require this individual to serve a probationary period?

A11. No. The requirement to serve a probationary period is not discretionary. Persons reinstated who did not complete the required probationary period during previous service, must serve a new 1-year probationary period. Persons reinstated who completed a probationary period or served with competitive status under an appointment that did not require a probationary period are not subject to a new probationary period. (5 CFR 315.801(a)(2))

NSPS

Q1. Is the probationary period for individuals receiving their first Federal appointment, under NSPS, 1 year or more?

A1. Under NSPS, employees who are given permanent or term appointments in the competitive or excepted service, serve a probationary period of 1 year at minimum. Probationary periods of longer than 1 year may be established by the Under Secretary of Defense for Personnel and Readiness for select occupations. (SC1950.5.2.1.1.1.)

Q2. Are there special probationary period provisions, under NSPS, for excepted service positions that confer eligibility for conversion to the competitive service?

A2. Employees appointed under special excepted service appointment types serve a probationary period commensurate with the period of time expected for conversion to the competitive service. For example, the probationary period for a VRA appointee is 2 years. (SC1950.5.2.1.1.2., Table SC1950-1)

Q3. If a Federal employee voluntarily transfers into an NSPS position, do they have to complete a new probationary period?

A3. Employees who completed a probationary period will not be required to serve an initial NSPS probationary period. Employees who have not completed a probationary

period must begin a new 1-year initial NSPS probationary period when selected for an NSPS positions. (SC1950.5.2.1.2.)

Note: Please see the attached matrix for additional information on the requirement to serve an NSPS probationary period.

Q4. Under NSPS, how does time in a non-pay status affect the length of the initial probationary period?

A4. Time spent in a non-pay status in excess of one workday during the initial probationary period shall extend the probationary period by that amount of time. (SC1950.5.2.2.1.)

Required to serve a probationary period under NSPS?*					
<i>If the individual was...</i>	<i>And has...</i>		<i>Then, they...</i>		
	Completed an initial probationary period	Not completed an initial probationary period	Complete a new NSPS probationary period	Continue the probationary period in the NSPS position	Are not required to serve an NSPS probationary period
Voluntarily moved from non-NSPS to NSPS within DoD	➤	✓	✓		➤
Transferred from another Federal Agency	➤	✓	✓		➤
Converted into NSPS	➤	✓		✓	➤
Management-reassigned from non-NSPS to NSPS	➤	✓		✓	➤
Promoted, reassigned, or reduced in band within NSPS	➤	✓		✓	➤
Reappointed to Federal service within NSPS	➤	✓	✓		➤
Reappointed through PPP	➤	✓		✓	➤

*Refer to SC1950.5.2.1. for detailed information on probation upon appointment to an NSPS position.