



Administration
& Management

OFFICE OF THE SECRETARY OF DEFENSE
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WASHINGTON, DC 20301-1950

October 16, 1987

ADMINISTRATIVE INSTRUCTION NO. 35

SUBJECT: Probationary Period for Newly Appointed Managers and Supervisors

- References: (a) Administrative Instruction No. 35, subject as above, January 18, 1980 (hereby canceled)
- (b) [Administrative Instruction No. 37](#), "Employee Grievances," August 12, 1981
 - (c) Federal Personnel Manual (FPM), Chapters 315, 353, and 432
 - (d) Title 5, Code of Federal Regulations, Parts 315, 432, 536, and 752
 - (e) through (g), see enclosure 1

1. REISSUANCE AND PURPOSE

This Instruction reissues reference (a), consistent with references (b) through (g), and updates policies and procedures for the establishment and administration of probationary periods to be served by individuals newly appointed to managerial or supervisory positions.

2. APPLICABILITY AND SCOPE

This Instruction:

2.1. Applies to the Office of the Secretary of Defense (OSD), the Organization of the Joint Chiefs of Staff (OJCS), and all other activities deriving administrative support from Washington Headquarters Services (WHS). These organizations are hereafter referred to collectively as "OSD Components."

2.2. Governs all civilian employees in the competitive service, exclusive of those in the Senior Executive Service (SES).

3. DEFINITIONS

Terms used in this Instruction are defined in enclosure 2.

4. POLICY

4.1. Vacant supervisory or managerial positions shall be filled with the best qualified candidates available from within or outside of those organizations or activities to which this Instruction applies.

4.2. The probationary period gives new supervisors and managers a chance to develop the unique skills and abilities that readily cannot be taught or developed in other kinds of positions. That period shall be used by OSD Component management officials to assess a new appointee's supervisory or managerial performance (not technical ability or program knowledge) and to return the employee to a nonsupervisory or nonmanagerial position without undue formality if this becomes necessary.

4.3. On initial appointment to a supervisory position, an employee is required to complete a probationary period of 1 year. An employee who previously completed a probationary period in a managerial position is exempt from this requirement. On initial appointment to a managerial position, an employee is required to complete a separate probationary period of 1 year. The separate probationary period for managers may be waived if an employee satisfactorily has completed a probationary period for supervisors and if such exemption is justified by substantiating documentation of the employee's performance and experience. An employee whose initial appointment is to a position that is both supervisory and managerial is required to complete a single probationary period of 1 year.

4.4. On satisfactory completion of the specified probationary period, an employee shall not be required to serve another such probationary period regardless of the number of Agencies, occupations, or positions in which he or she has served.

4.5. Employees, who as of August 11, 1979 were serving or had served in a supervisory or managerial position in the Federal Government, are exempt from the comparable probationary period requirement. A former supervisor may not be subject to a new probationary period for supervisors, and a former manager may not be subject

to a probationary period for either managers or supervisors. A former supervisor is required to serve managerial probation unless excepted under paragraph 4.3., above. Temporary service (temporary appointment, promotion, or reassignment) as a supervisor or manager is counted if the employee officially was assigned to the position for more than 120 days. Service while on detail, or in an acting capacity during the temporary absence of the regular supervisor or manager, does not apply. In the absence of records that support clearly an employee's claim for exemption from the requirement because of previous service in a supervisory or managerial position, the employee shall serve the required probationary period. An employee may file a grievance on this determination under the procedures set forth in Administrative Instruction No. 37 (reference (b)).

4.6. Employees who temporarily are appointed, promoted, or reassigned to a managerial or supervisory position for more than 120 days are required to serve a probationary period as prescribed in paragraph 4.3., above.

4.7. If, on appointment, an employee is required to serve both a probationary period under this Instruction and an initial probationary period under FPM, chapter 315, subchapter 8 (reference (c)), the latter takes precedence. Completion of the initial probationary period for competitive appointment fulfills the requirement for supervisory or managerial probation.

4.8. Satisfactory completion of the probationary period is a prerequisite to continuation in the position. If, after a reasonable trial, and when evaluation of the employee's performance reveals deficiencies in supervisory or managerial performance, the employee shall be returned or reassigned to a nonsupervisory or nonmanagerial position. Such return is not considered an adverse action and is not appealable.

4.9. The return of an employee to a nonsupervisory or nonmanagerial position under this Instruction shall not be grounds for denying the employee consideration for later assignment to another supervisory or managerial position. Position requirements and individual capabilities vary widely. Although an employee may prove to be unsuited for a particular position and fail to complete satisfactorily the probationary period, the same employee may be able to do well and meet all the requirements of another supervisory or managerial position. Each employee is entitled to be considered accordingly.

4.10. Service in a supervisory or managerial position that is interrupted during the probationary period is creditable toward completion of a probationary period in the following manner:

4.10.1. An employee who is transferred, reassigned, or promoted to another supervisory or managerial position is subject to the probationary period prescribed for the new position. Probationary service in the former position counts toward completion of the probationary period prescribed for the new position. When the former position was supervisory and the new position is managerial, service counts as prescribed in paragraph 4.3., above.

4.10.2. Absence in a nonpay status while on the rolls (other than absence because of compensable injury or military duty) is creditable up to 22 workdays. Any nonpay time beyond 22 workdays extends the probationary period by an equal amount.

4.10.3. Absence, whether on or off the rolls, due to compensable injury or military duty for which the employee is entitled to restoration under the FPM, chapter 353 (reference (c)), is creditable in full.

4.10.4. When an employee serving probation under this Instruction is temporarily placed in another supervisory or managerial position (under detail, temporary appointment, temporary promotion, or reassignment), the temporary service is creditable toward completion of the probationary period.

4.10.5. The probationary service of an employee who is separated or demoted under 5 CFR 315, 432, or 752 (reference (d)), or is placed in a nonsupervisory or nonmanagerial position for deficiencies in supervisory or managerial performance does not count toward completion of probation required under a subsequent appointment.

4.10.6. When there is a break in service (other than for cause) of more than 1 year during a probationary period, the employee must begin a new probationary period under the provisions of paragraph 4.3., above.

4.11. Temporary service in a supervisory or managerial position under a temporary appointment, promotion, or reassignment shall be credited as provided in paragraph 4.3., above. Prior service under detail may be credited only when a detail to a supervisory or managerial position is made permanent without a break.

4.12. Time spent during temporary placement (detail, temporary promotion, or reassignment) to a nonsupervisory position is not creditable toward completion of probation.

4.13. Service in a supervisory or managerial position under a Veterans Readjustment Appointment is creditable upon the employee's conversion to a supervisory position in the competitive service.

4.14. An employee who does not complete satisfactorily a probationary period in a supervisory or managerial position is entitled to be placed in:

4.14.1. A vacant position in an OSD Component covered by this Instruction of no lower grade and salary than the employee left to accept the supervisory or managerial position. The promotion potential of a position is not a factor to be considered in determining the position to which an employee is entitled.

4.14.2. A vacant position equal in grade to that currently held, if appointment to the supervisory or managerial position was from an Office of Personnel Management (OPM) register or was based on the reinstatement eligibility of an employee who is not serving a probationary period under FPM, chapter 315 (reference (c)). There is no authority to demote such an employee.

4.14.3. A vacant position equal in grade to that currently held by the employee, or separation under the procedures of the FPM, chapter 432 (reference (c)), if appointment was made to a supervisory or managerial position from an OPM register and the employee is serving a probationary period under the FPM, chapter 315 (reference (c)).

4.14.4. A position at the same grade as the position in which he or she was serving probation, if the former position is at a higher grade than the supervisory or managerial position. Repromotion in this instance shall be in accordance with Administrative Instruction No. 33 (reference (e)).

4.15. Placement under subparagraphs 4.14.1. through 4.14.4., above, shall be made in the following order:

4.15.1. The organizational entity to which currently assigned.

4.15.2. The OSD Component to which currently assigned.

4.15.3. The OSD Component from which the employee was selected, if applicable.

4.15.4. Any OSD Component to which this Instruction applies.

4.16. If there is no vacant position in any organization covered by this Instruction for which the employee is qualified, the employing OSD Component Head shall establish a temporary position at the grade level to which the employee is entitled and assign the employee for a period not to exceed 90 days. If no appropriate vacancy

occurs during that period, all vacant positions shall be frozen and the OSD Component Head shall determine which vacancy shall be reclassified to accommodate the employee.

4.17. The use of reduction-in-force procedures to determine the position to which the employee should be assigned shall not be used.

4.18. An employee who is promoted to a supervisory or managerial position and is subsequently returned to his or her former grade level, is entitled to credit toward a within-grade increase at the lower grade for the time spent at the higher grade.

4.19. An employee who is returned to a lower grade position for failure to satisfactorily complete probation under this Instruction is not entitled to grade or pay retention provided by 5 CFR 536.105 (reference (d)). If an employee accepts a demotion to a supervisory or managerial position, his or her entitlement to grade or pay retention is not affected if the employee is reassigned because of failure to complete satisfactorily the probationary period. An employee whose entitlement to grade retention ends when promoted to a supervisory or managerial position may resume the remainder of the period of eligibility if probation is not completed and the employee is returned to the position or an equivalent position, in which he or she was entitled to grade or pay retention.

4.20. An employee who retroactively is placed in a supervisory or managerial position as a result of a complaint settlement or grievance, shall not be allowed credit toward probation for the retroactive period.

5. RESPONSIBILITIES

5.1. The Director of Personnel and Security, Washington Headquarters Services (WHS); and the Civilian Personnel Officer, Organization of the Joint Chiefs of Staff (OJCS) shall:

5.1.1. Identify supervisory and managerial positions in the work force as defined in section 3., above.

5.1.2. Advise employees of the requirement for a probationary period, its duration, and entitlements to placement if the probationary period is not completed successfully before permanent assignment.

5.1.3. Document the completion of a probationary period in the employee's official personnel folder.

5.1.4. Coordinate and document actions on requests for waivers of the requirement for a probationary period for managers who successfully have completed a probationary period for supervisors.

5.2. The Immediate Supervisor of an employee selected for a supervisory or managerial position shall:

5.2.1. Advise and assist the employee on the successful accomplishment of assigned duties and on the responsibilities of the position.

5.2.2. Evaluate the employee's work performance in accordance with section 6., below.

5.2.3. Provide sufficient factual information on the decision to return the employee to a nonsupervisory or nonmanagerial position and to make clear the basis for such action.

5.2.4. Determine, in coordination with the servicing civilian personnel office, whether an employee's previous performance and experience in a supervisory position would exempt a potential manager from a new probationary period.

5.3. The Under Secretaries of Defense (USDs), the Assistant Secretaries of Defense (ASDs), the Assistants to the Secretary of Defense (ATSDS), and Equivalents, shall:

5.3.1. Identify a vacant position in accordance with paragraph 4.15., above, when an employee fails to complete satisfactorily an appropriate probationary period for a supervisory or managerial position.

5.3.1.1. At the same grade and salary for an employee appointed from an OPM register or reinstated.

5.3.1.2. At no lower grade and salary than the employee left, if appointed from a position in the Federal service.

5.3.2. Make such position available for assignment of the employee who failed to complete satisfactorily the designated probationary period for a supervisory or managerial position.

6. PROCEDURES

6.1. On selection of an employee for either a supervisory or managerial position, the servicing Personnel Specialist and the supervisor shall determine if an employee is required to serve either a supervisory or a managerial probationary period.

6.2. On assignment to the position, the servicing civilian personnel office shall notify both the employee and the supervisor in writing of the requirement, or the nonrequirement, to serve an appropriate probationary period. This may be accomplished by a remark on the Standard Form (SF)-50 or by a separate memorandum.

6.3. On placement of the employee in a supervisory or managerial position, the supervisor shall:

6.3.1. Establish written performance standards for evaluation of probationers and communicate these to the employee on initial appointment to the position.

6.3.2. Give the new supervisor or manager adequate opportunity to prove himself or herself, and direct efforts to help the employee succeed.

6.3.3. Hold performance discussions at the end of the fourth and tenth months, and prepare a written record of these discussions to assist in completing the employee's final appraisal.

6.3.4. Ensure that an employee selected for a first-level supervisory position receives training as required by Administrative Instruction No. 40 (reference (f)).

6.3.5. Ensure that all employees selected for supervisory or managerial positions are scheduled for specific skills training required for successful accomplishment of their positions.

6.4. After a full and fair evaluation of the employee's performance, determine if the employee is to continue in the position.

6.4.1. If the employee's performance is satisfactory, advise the servicing civilian personnel office not later than 60 days before the completion date of the probationary period.

6.4.2. With the concurrence of the next higher-level manager, terminate the probationary period not later than 60 days before completion of the 1-year requirement if it is clear that the employee lacks necessary supervisory or managerial knowledge, skills, or abilities required for successful accomplishment of the position. This

determination may be made at any time during the probationary period, but not earlier than 120 days after appointment to the position nor later than 60 days before completion of the probation.

6.4.3. Advise the employee in writing of the reasons for his or her return to a nonsupervisory or nonmanagerial position.

6.4.4. Coordinate all decisions to return an employee to a nonsupervisory or nonmanagerial position with the Directorate for Personnel and Security, WHS, or the Civilian Personnel Officer, OJCS, as applicable.

6.4.5. Return an employee to a nonsupervisory or nonmanagerial position for reasons related to supervisory or managerial performance only under this Instruction.

7. COMPLAINTS AND GRIEVANCES

7.1. An action to return an employee to a nonsupervisory or nonmanagerial position in accordance with this Instruction is not appealable, nor is it grievable under Agency grievance procedures, Administrative Instruction No. 37 (reference (b)).

7.2. An action to demote an employee to a lower grade than the one the employee left to accept the supervisory or managerial position or an action to demote or separate an employee for reasons of conduct or performance not related to supervisory or managerial performance is governed by 5 CFR 315, 432, or 752 (reference (d)), as applicable.

7.3. An employee serving both probation under the FPM, chapter 315, subchapter 8 (reference (c)), and probation under this Instruction has appeal rights only under chapter 315, subchapter 8, of reference (c).

7.4. An allegation of discrimination due to race, color, religion, sex, national origin, physical handicap, or age (if the complainant is at least 40 years old as of the date of the alleged discriminatory action) in connection with an action returning the employee to a nonsupervisory or nonmanagerial position shall be processed as a discrimination complaint under the provisions of Administrative Instruction No. 9 (reference (g)). An allegation of discrimination due to marital status or partisan political affiliation is appealable to the Merit Systems Protection Board (MSPB) if the employee is not serving probation under the FPM, chapter 315, subchapter 8 (reference (c)). An appeal to the MSPB must be filed no later than 20 calendar days after the action has been effected. The MSPB may extend the time limit for good cause.

7.5. Management actions other than those discussed in paragraphs 7.1., through 7.3., above, taken under this Instruction, are covered by Agency grievance procedures under Administrative Instruction No. 37 (reference (b)).

8. EFFECTIVE DATE

This Instruction is effective immediately.



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Deputy Assistant Secretary of Defense

Enclosures - 2

- E1. References, continued
- E2. Definitions

E1. ENCLOSURE 1

REFERENCES, continued

- (e) [Administrative Instruction No. 33](#), "Merit Promotion," May 8, 1981
- (f) [Administrative Instruction No. 40](#), "Civilian Career Development and Training,"
February 23, 1971
- (g) [Administrative Instruction No. 9](#), "Processing Complaints of Discrimination,"
January 11, 1979

E2. ENCLOSURE 2

DEFINITIONS

E2.1.1. A Managerial Position in the General Schedule. A position that meets the criteria for managerial positions found in the OPM Supervisory Grade Evaluation Guide (SGEG) for Position Classification.

E2.1.2. A Supervisory Position in the Federal Coordinated Wage System. A position that properly is classified as Wage Supervisor (WS) by application of the Job Grading Standard for Supervisors.

E2.1.3. A Supervisory Position in the General Schedule. A position that meets the criteria for supervisory positions found in the OPM SGEG for Position Classification.