

## INDIAN AFFAIRS MANUAL

Part 28  
Chapter 4

Human Capital Management  
Probationary and Trial Periods

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**1.1 Purpose.** This chapter documents Indian Affairs' (IA) policy on the administration of probationary periods in the competitive service and of trial periods in the excepted service, including the required waiting period based on the type of appointment.

**1.2 Scope.** This policy applies to all programs and offices under the authority of the Assistant Secretary - Indian Affairs (AS-IA), including offices reporting to the AS-IA, the Bureau of Indian Affairs (BIA), and Title V employees in the Bureau of Indian Education (BIE).

This policy does not apply to the Senior Executive Service (SES), Contract Educators, or employees serving in temporary limited positions.

**1.3 Policy.** It is IA's policy that all employees appointed to positions within IA will serve a probationary or trial period, and these periods will be fully utilized by supervisors to evaluate the effectiveness of new employees and new supervisors.

**1.4 Authority.**

**A. Statutes and Regulations.**

- 1) 5 U.S.C. § 3321, Competitive Service; probationary period
- 2) 5 U.S.C. § 7511, Definitions; application
- 3) 5 CFR 213, Excepted Service
- 4) 5 CFR 302, Employment in the Excepted Service
- 5) 5 CFR 315, Subpart H, Probation on Initial Appointment to a Competitive Position
- 6) 5 CFR 315, Subpart I, Probation on Initial Appointment to a Supervisory or Managerial Position
- 7) 5 CFR 316, Temporary and Term Employment
- 8) 5 CFR 351.502, Order of retention - excepted service

**B. Guidance.**

- 1) Office of Personnel Management (OPM): General Schedule Supervisory Guide

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### 1.5 Responsibilities.

- A. **Deputy Assistant Secretary Management (DAS-M)** oversees the IA Office of Human Capital Management (OHCM), and facilitates IA's compliance with Human Capital Management (HCM) initiatives, policies, procedures, laws, and regulations.
- B. **Director, OHCM, DAS-M** is responsible for overall policy and direction to IA bureaus and offices with regard to effective human resources (HR) management, including oversight and dissemination of information related to the probationary and trial period process, and notifying each newly appointed employee in their official offer letter if they will serve a probationary or trial period.
- C. **IA Supervisors** are responsible for:
  - 1) establishing and communicating performance and conduct requirements to probationary and trial employees;
  - 2) helping employees to succeed by providing appropriate training and guidance;
  - 3) evaluating employee performance during regularly scheduled meetings and/or in unscheduled discussions to provide the employee with feedback throughout the probationary or trial period; and
  - 4) taking action, if necessary, to terminate probationary or trial employees who don't meet acceptable performance or conduct standards.

### 1.6 Definitions.

- A. **Appointee** means the person being hired for a position in an agency.
- B. **Appointment** is any personnel action that brings an individual onto the rolls (staff) of an agency.
- C. **Competitive service** are Federal Government positions subject to the civil service laws passed by Congress to ensure that applicants and employees receive fair and equal treatment in the hiring process.
- D. **Excepted service** are civil service appointments within the Federal Government that do not confer competitive status.
- E. **Probationary period** is an introductory period of employment for individuals in competitive service positions serving on a career or career-conditional appointment, which allows management to evaluate a new employee's performance and conduct to determine whether his/her continued employment is in the best interest of the agency.

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- F. Supervisor** means someone who accomplishes work through the direction of other people and performs at least the minimum supervisory duties required, as described in OPM's General Schedule Supervisory Guide. Supervisors plan work; communicate organizational goals and policies; guide and document performance; listen to concerns and ideas; ensure employees have the resources needed to do their jobs; and often make difficult decisions about employee recruitment, retention, development, recognition, and appraisals.
- G. Term appointment** means a position that will last more than one year but not more than four years, and that is of a project nature where the job will terminate upon completion of the project.
- H. Trial period** is an introductory period of employment for individuals in excepted service positions and for individuals on a term appointment in the competitive service, which allows management to evaluate a new employee's performance and conduct to determine whether his/her continued employment is in the best interest of the agency.

**1.7 Standards, Requirements, and Procedures.** Probationary and trial periods will be fully utilized by supervisors to evaluate the effectiveness of new employees as well as new supervisors. Probationary and trial periods will be utilized as the final phase of the hiring process in which the appointee's performance of the duties and responsibilities of the position to which the employee was appointed can be observed and assessed. Supervisors will review and document a new employee's performance and conduct for continued employment in their position, and may terminate him/her at any time during this period if he/she fails to demonstrate acceptable performance and conduct.

The following timeframes pertain to all General Schedule (GS) and Wage Grade recruitments in IA organizations (AS-IA, BIA, and BIE):

- Employees appointed to a Competitive Service position (Permanent) will serve a one-year probationary period.
- Employees appointed to an Excepted Service position (Preference Eligible Veterans) will serve a one-year trial period.
- Employees appointed to a Term position (Competitive or Excepted) will serve a one-year trial period.
- Employees appointed to an Excepted Service position (Non-Preference Eligible Veteran and Indian Preference Eligible) will serve a two-year trial period.

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- Employees appointed to a Temporary Appointment position will not serve a probationary or trial period.

Normally, during the probationary or trial period, employees can be terminated for any perceived deficiency in performance or conduct with minimal procedural requirements. The supervisor does not have to wait until the end of the probationary period to initiate action.

Even though an employee may be on a probationary or trial period, the employee may have acquired full procedural and appeal rights based on prior Federal Government civilian service. This prior service (which includes non-appropriated fund service) counts towards the completion of the probationary or trial period when the prior service:

- is in the same agency (with agency meaning Department of the Interior (DOI));
- is in the same line of work (as determined by actual duties and responsibilities); and
- contains, or is followed by, no more than a single break in service that does not exceed 30 calendar days.

These conditions apply only to an employee in the competitive service, however. In the excepted service, prior service may have been in any agency, but with no break in service.

When an employee's initial appointment to Federal Government service is to a supervisory position in either the competitive or excepted service, then the employee is required to serve *both* the supervisory probationary period as well as either a one-year probationary period or a two-year trial period; these are served concurrently. Successful completion of the first year satisfies the one-year supervisory probationary period.

New employees, including new supervisors, will receive the following wording in their official job offer letter prior to the start of their employment, as determined by the type of appointment being offered:

- **Probationary Period:** You will be subject to a one-year probationary period where your conduct and performance will be observed to determine your suitability for your permanent Federal Government employment. During this probationary period, if your performance or conduct is less than satisfactory, your employment may be terminated.
- **Trial Period:** You will be subject to a two-year trial period where your conduct and performance will be observed to determine your suitability for your permanent Federal Government employment. During this trial period, if your performance or conduct is less than satisfactory, your employment may be terminated.

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In addition, new supervisors should also receive the following language in their official offer letters:

- **Supervisory Probationary Period:** As a new supervisor, you will be subject to a one-year probationary period to demonstrate successful performance as a supervisor. If you do not satisfactorily complete the supervisory probationary period for reasons of supervisory or managerial performance, you will be assigned to a position of no lower grade and pay than the one you left to accept the supervisory or managerial position. Reduction In Force (RIF) procedures are not applicable under this authority.

All new appointment personnel actions within IA must document the proper type and length of probationary or trial period in the remarks section of the Standard Form (SF)-50, "Notification of Personnel Action."

## Approval

JASON FREIHAGE Digitally signed by JASON  
FREIHAGE  
Date: 2024.09.25 09:25:30 -0400

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Jason Freihage  
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Date