



Deputy Chief Management Officer of the
Department of Defense
**ADMINISTRATIVE
INSTRUCTION**

NUMBER 35

March 7, 2011

Incorporating Change 1, April 19, 2017

HRD, WHS

SUBJECT: Probationary Period for Newly Appointed Managers and Supervisors

References: See Enclosure 1

1. **PURPOSE.** This Administrative Instruction (AI) reissues AI 35 (Reference (a)) in accordance with the authority in DoD Directive (DoDD) 5110.04 (Reference (b)) to establish OSD policy, assign responsibilities, and prescribe procedures for the establishment and administration of probationary periods to be served by individuals newly appointed to managerial or supervisory positions.

2. **APPLICABILITY.** This AI:

a. Applies to OSD, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Defense Agencies, and the DoD Field Activities in the National Capital Region that are serviced by Washington Headquarters Services (WHS) (hereafter referred to collectively as the "WHS-Serviced Components").

b. Governs all civilian employees in the competitive service to include those in the Acquisition Workforce Personnel Demonstration Project established by page 1426 of Volume 64, Number 5, Federal Register (Reference (c)).

c. Does NOT apply to civilian employees who are members of the:

(1) Senior Executive Service.

(2) Defense Civilian Intelligence Personnel System in accordance with Volume 2005 of DoD Instruction 1400.25 (Reference (d)).

3. DEFINITIONS. See Glossary.

4. POLICY. It is OSD policy that:

a. Vacant supervisory or managerial positions shall be filled with the best qualified candidates available from within or outside the WHS-Serviced Components, in accordance with part 315 of title 5, Code of Federal Regulations (Reference (e)).

b. The probationary period shall be used to allow new supervisors and managers a chance to develop the unique skills and abilities that cannot readily be taught or developed in other kinds of positions.

c. The probationary period shall be used by WHS-Serviced Component management officials to:

(1) Assess a new appointee's supervisory or managerial performance (not technical ability or program knowledge).

(2) Return an employee to a non-supervisory or non-managerial position without exceeding normal limits if the employee has not favorably completed the probationary period.

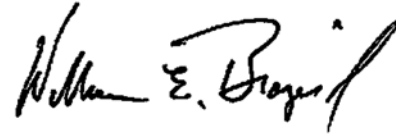
5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. See Enclosure 3.

7. RELEASABILITY. **Cleared for public release.** This AI is available on the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

8. SUMMARY OF CHANGE 1. The changes to this issuance are administrative and update organizational titles and references for accuracy.

9. EFFECTIVE DATE. This AI is effective March 7, 2011.

A handwritten signature in black ink, appearing to read "William E. Boyer". The signature is fluid and cursive, with a large initial "W" and a distinct "E" and "B".

Director
Washington Headquarters Services

Enclosures

1. References
 2. Responsibilities
 3. Procedures
- Glossary

ENCLOSURE 1

REFERENCES

- (a) Administrative Instruction 35, "Probationary Period for Newly Appointed Managers and Supervisors," October 16, 1987 (hereby cancelled)
- (b) DoD Directive 5110.04, "Washington Headquarters Services (WHS)," March 27, 2013
- (c) Page 1426 of Volume 64, Number 5, Federal Register, January 8, 1999
- (d) DoD Instruction 1400.25, Volume 2005, "DoD Civilian Personnel Management System: Defense Civilian Intelligence Personnel System (DCIPS) Employment and Placement," March 3, 2012
- (e) Parts 315, 332, 353, 432, 536, 734, and 752 of title 5, Code of Federal Regulations
- (f) Public Law 111-84, Section 1113, "National Defense Authorization Act for Fiscal Year 2010," October 28, 2009
- (g) Code of Federal Regulations, Title 5, Section 412.202
- (h) Administrative Instruction 37, "Employee Grievances," October 27, 2006
- (i) Section 4214 of title 38, United States Code
- (j) Administrative Instruction 33, "Merit Promotion Plan," December 17, 2015, as amended
- (k) Office of Personnel Management Guide, "General Schedule Supervisory Guide," June 1998
- (l) Office of Personnel Management Guide, "Federal Wage System Job Grading Standard for Supervisors," December 1992

ENCLOSURE 2

RESPONSIBILITIES

1. DIRECTOR, WHS. The Director, WHS, under the authority, direction, and control of the Director of Administration, Office of the Deputy Chief Management Officer of the Department of Defense, shall oversee implementation of this AI.

2. DIRECTOR, HUMAN RESOURCES DIRECTORATE (HRD), WHS. The Director, HRD, under the authority, direction, and control of the Director, WHS; shall:

a. Identify, within the WHS-Serviced Components, managerial positions in the General Schedule and supervisory positions in the General Schedule and the Federal Wage System, as defined in section 3 above the signature of this AI.

b. Oversee the Labor Management Employee Relations (LMER) Division, HRD, WHS, in coordinating with Defense Logistics Agency (DLA) and the General Counsel of the DoD actions to reassign, demote, or separate an employee for failure to satisfactorily complete the supervisory or managerial probationary period.

3. HEADS OF THE WHS-SERVICED COMPONENTS. The Heads of the WHS-Serviced Components shall follow, and shall ensure their respective Components follow, the procedures in Enclosure 3.

ENCLOSURE 3

PROCEDURES

1. REQUIREMENTS

a. 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.

b. 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 has satisfactorily completed a probationary period for supervisors, and if such exemption is justified by substantiating documentation of the employee's performance and experience.

c. 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.

2. REQUIREMENTS FOR IMMEDIATE SUPERVISOR. The employee's immediate supervisor shall:

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

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

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

d. Conduct performance discussions at the end of the 4th and 10th months, and prepare a written record of these discussions to assist in completing the employee's final appraisal.

e. Ensure that an employee selected for a first-level supervisory position receives training in accordance with Section 1113 of Public Law 111-84 and Part 412.202 of Title 5, Code of Federal Regulations (References (f) and (g)).

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

g. Determine if the employee is to continue in the position, after a full and fair evaluation of the employee's performance.

h. 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.

i. Terminate the probationary period as soon as possible after determining 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 or not later than 60 days before completion of the probation.

j. Provide sufficient documentary evidence to support the decision to return the employee to a non-supervisory or non-managerial position.

k. Coordinate request for personnel action with WHS and DLA:

(1) All final decisions to return an employee to a non-supervisory or non-managerial position.

(2) The notice to an employee in writing of the reasons for his or her return to a non-supervisory or non-managerial position.

(3) The return of an employee to a non-supervisory or non-managerial position for reasons related to supervisory or managerial performance in accordance with this AI.

3. CREDITING SERVICE FOR COMPLETION OF PROBATIONARY PERIOD. Creditable service in a supervisory or managerial position that is interrupted during the probationary period is creditable toward completion of a probationary period as detailed in this section.

a. 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 1.b. of this enclosure.

b. Service while 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 in accordance with the procedures in AI 37 (Reference (h)).

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

d. Absence, whether on or off the rolls, due to compensable injury or military duty for which the employee is entitled to restoration according to part 353 of Reference (e) is creditable in full.

e. When an employee serving probation in accordance with this AI is temporarily placed in another supervisory or managerial position (e.g., by detail, temporary appointment, temporary promotion, or reassignment), the temporary service is creditable toward completion of the probationary period.

f. The probationary service of an employee who is separated or demoted according to part 315, 432, or 752 of Reference (e), or is placed in a non-supervisory or non-managerial position for deficiencies in supervisory or managerial performance, does not count toward completion of probation required by a subsequent appointment.

g. 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 as provided in paragraph 3.e. of this enclosure.

(1) Temporary service in a supervisory or managerial position under a temporary appointment, promotion, or reassignment shall be credited as provided in paragraph 3.c. of this enclosure. Prior service while on detail may be credited only when a detail to a supervisory or managerial position is made permanent without a break.

(2) Time spent during temporary placement (i.e., detail, temporary promotion, or reassignment) to a non-supervisory position is not creditable toward completion of probation.

(3) Service in a supervisory or managerial position under a Veterans Readjustment Appointment pursuant to section 4214 of title 38, United States Code (Reference (i)) is creditable upon the employee's conversion to a supervisory position in the competitive service.

4. RETURN TO A NON-SUPERVISORY POSITION

a. General

(1) Satisfactory completion of the probationary period is a prerequisite to continuation in a supervisory or managerial position. If, after a reasonable trial period, evaluation of the employee's performance reveals deficiencies in supervisory or managerial performance, the employee shall be returned or reassigned to a non-supervisory or non-managerial position of no lower grade or pay band than the position from which he or she came. Such return is not considered an adverse action and is not appealable. The action is appealable if the employee asserts that the action was based on partisan political affiliation or marital status in accordance with part 734 of Reference (e).

(2) The return of an employee to a non-supervisory or non-managerial position in accordance with this AI 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 satisfactorily complete 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.

b. Placement After Failure to Complete Probationary Period

(1) An employee in a managerial or supervisory position who does not satisfactorily complete the probationary period may be subject to:

(a) Placement in a vacant position in a WHS-Serviced Component covered by this AI at no lower grade, salary, or pay band than the employee left to accept the supervisory or managerial position. If the former position is at a higher grade than the supervisory or managerial position, re-promotion shall be in accordance with AI 33 (Reference (j)).

(b) Placement in a vacant position equal in grade, salary, or pay band to that currently held if appointment to the supervisory or managerial position was based on reinstatement eligibility.

(c) Separation pursuant to the procedures in part 432 of Reference (e) or in accordance with part 752 of Reference (e) if the appointment was made to a supervisory or managerial position from a competitive certificate.

(2) Placement in accordance with subparagraphs 3.c.(1)(a) through 3.c.(1)(c) of this enclosure shall be made in this order:

(a) In the organizational entity to which the employee is currently assigned.

(b) In the WHS-Serviced Component to which the employee is currently assigned.

(c) In the WHS-Serviced Component from which the employee was selected, if applicable.

c. Reassignment After Failure to Complete Probationary Period

(1) If there is no vacant position in any organization covered by this AI, the employing WHS-Serviced Component Head shall establish a temporary position at the equivalent or current grade level to which the employee is entitled and assign the employee for a period not to exceed 90 business days. If no appropriate vacancy occurs during that period, the WHS-Serviced Component Head shall determine which vacancy shall be reclassified to accommodate the employee.

(2) Reduction-in-force procedures shall not be used to determine the position to which the employee should be assigned.

(3) 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) An employee who is returned to a lower graded position for failure to satisfactorily complete probation pursuant to this AI is not entitled to grade or pay retention according to part 536 of Reference (e). 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.

(5) 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. APPEALS AND GRIEVANCES

a. An action to return an employee to a non-supervisory or non-managerial position that is not lower in grade, salary, or pay band than the one the employee left to accept the supervisory or managerial position is not appealable to the Merit System Protections Board unless the employee alleges that the action was taken based on partisan political affiliation or marital status, nor is it grievable pursuant to Reference (h).

b. An action to demote an employee to a lower grade than the one the employee left to accept the supervisory or managerial position for reasons other than supervisory or managerial performance is governed by parts 315, 432, or 752 of Reference (e), as applicable.

c. An employee serving probation pursuant to part 315 of Reference (e) and probation pursuant to this AI has appeal rights only in accordance with part 315 of Reference (e).

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

AI	Administrative Instruction
DLA	Defense Logistics Agency
DoDD	DoD Directive
HRD	Human Resources Directorate, WHS
LMER	Labor Management Employee Relations
OPM	Office of Personnel Management
SF	Standard Form
WHS	Washington Headquarters Services

PART II. DEFINITIONS

These terms and their definitions are for the purposes of this AI.

competitive certificate. A list of eligibles from a register submitted to an appointing officer so that he or she may consider the eligibles for appointment according to part 332 of Reference (e).

managerial position. A position that meets the criteria for managerial positions in the Office of Personnel Management (OPM) General Schedule Supervisory Guide (Reference (k)).

supervisory position. A position that meets the criteria for supervisory positions found in Reference (k) or a position that meets the criteria for a Wage Supervisor by application of the OPM Federal Wage System Job Grading Standard for Supervisors (Reference (l)).