



NATIONAL FEDERATION OF FEDERAL EMPLOYEES

Affiliated with the International Association of Machinists & Aerospace Workers, AFL-CIO

Probationary Employee Fact Sheet

On January 21, 2025, the Trump administration sent out a memo instructing federal agencies to detail a list of federal employees who are in their probationary periods and to make recommendations on whether they should keep their jobs. NFFE is committed to fighting for all federal employees regardless of probationary status. See below for guidance for probationary employees and local lodges who have probationary employees.

For probationary employees:

- Confirm your probationary status by looking at your SF-50 on your hiring date and you should see something mentioned at the bottom about when your probation period starts and how long it is
 - It should also be stated in your final job offer email
- If you're excepted service, it will be referred to as a "trial period" in block 45 of your SF-50, stating something like "Appointment is subject to a 2-year trial period beginning DD-MON-YYYY."
- The probationary period ends when the employee completes their scheduled tour of duty on the day before the anniversary date of their appointment
- The probationary period for part-time employees is computed on the basis of calendar time, in the same manner as for full-time employee
- For intermittent employees, each day or part of a day in pay status counts as one 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 one year of calendar time
- Absence while in a pay status counts toward completion of probation
- Absence in nonpay status while on the rolls (other than for compensable injury or military duty) is creditable up to a total of 22 workdays. The probationary period is extended by the amount of nonpay time in excess of 22 workdays
- Absence (on or off the rolls) due to compensable injury or military duty is creditable in full upon restoration to federal service.
- Agencies must be able to determine when an individual qualifies as an "employee" under 5 USC 7511 (a)(1) who is entitled to full procedural due process and appeal rights to the Merit Systems Protection Board.
- An individual who is technically still serving a probationary period may become an "employee" with full due process and appeal rights before completion of probation based on prior federal service.
- An employee who has already acquired competitive status prior to a transfer to another federal agency retains that status and is generally not required to serve a new probationary period.
- Prior service can be tacked toward the completion of a probationary period or trial period in the excepted service where: 1) the prior service was performed in the same agency; 2) it was performed in the same line of work; and 3) it was completed with no more than one break in service of fewer than 30 days.
- The term "same line of work" is akin to the "same or similar" language found in Section 7511(a)(1)(B) and (C)(ii), and is governed by the same standards and case law
- Probationary employees are generally not covered by a union contract; however, arbitrators do have the authority to make determinations respecting grievability/arbitrability regarding an employee's probationary status (i.e. if there's a question on whether you are a probationary employee, your union can request arbitration to make those determinations)



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For local lodge leaders:

- An employee who is transferred before completing probation > is required to complete the probationary period in the new position. [5 CFR 315.801](#) (b).
- An employee who was serving probation when appointed acquires a competitive status automatically on completion of probation. [5 CFR 315.503](#).
- Transfer to a supervisory or managerial position requires employees to satisfy supervisory/managerial < probation period requirements. [5 CFR 2.4](#); [5 CFR Part 315, Subpart I](#).
- A probationer who is transferred under 5 CFR 315.501 must complete their probationary period in the new position. 5 CFR 315.801 (b).
- A probationer who is promoted, demoted, or reassigned must complete their probationary period in the new position. 5 CFR 315.801(b).
- If they were separated during probation, an individual who is reinstated from the Reemployment Priority List to a position in the same agency and the same commuting area must complete his probationary period in the new position. 5 CFR 315.801 (b).
- When an agency appoints an individual using reinstatement authority, the individual must serve a probationary period unless during any service that forms the current basis for the reinstatement, the individual completed probation or did not have to serve a probationary period *Aviles-Wynkoop v. Department of Defense*, 116 LRP 39792 (MSPB 2016, nonprecedential), citing 5 CFR 315.401 and 5 CFR 315.801 (a).
- The first year of service for an individual in the competitive service who is given a career or career-conditional appointment is a probationary period when they were either appointed from a competitive list of eligibles or was reinstated, unless the reinstated employee previously completed a probationary period or served with competitive status under an appointment that did not require a probationary period. 5 CF 315.801 (a); *Abdullah v. Department of the Treasury*, 109 LRP 79332 ,113 MSPR 99 (MSPB 2009).
- Probationary employees are generally not covered by a union contract; however, arbitrators do have the authority to make determinations respecting grievability/arbitrability regarding an employee's probationary status (i.e. if there's a question on an employee's probationary status, the union can request arbitration to make those determinations)

General contact numbers:

- National Labor Relations Board (NLRB): 1-844-762-NLRB (1-844-762-6572)
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