



LPR 3430.2
Effective Date: September 3, 2009
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Langley Research Center

PROBATIONARY PERIOD

National Aeronautics and Space Administration

Responsible Office: Office of Human Capital Management

PREFACE

P.1 Purpose

This Langley Procedural Requirements (LPR) sets forth the general provisions, responsibilities, and the processing details required for the probationary period.

P.2 Applicability

This policy is applicable to all civil servant employees at Langley Research Center, including Component Facilities and Technical and Service Support Centers.

P.3 Authority

5 CFR 315 – Career and Conditional Employment

P.4 Applicable Documents

LAPD 1200.5 - Delegation of Authority to Take Disciplinary and Adverse Actions

P.5 Measurement and Verification

Program compliance will be measured and verified through the Federal Personnel and Payroll System (FPPS).

P.6 Cancellation

Cancels LPR 3430.2 dated January 28, 2005.

Original signed on file, September 3, 2009

Cynthia C. Lee
Associate Director

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1. General Provisions

A Federal employee, given a career-conditional or career appointment by selection from a Delegated Examining authority issued by the Office of Personnel Management, is required to serve a probationary period of 1 year. This applies not only to the first appointment of this kind, but to any subsequent career or career-conditional appointment by selection from a certificate of eligibles from a Delegated Examining certificate unless the selectee has already completed a probationary period that is 1) in the same agency, 2) in the same line of work (determined by the employee's actual duties and responsibilities) and 3) contains or is followed by no more than a single break in service that does not exceed 30 calendar days.

2. Statement or Assignment of Responsibility

2.1 Supervisors

During the probationary period:

- a. Observe the employee's conduct, general character traits, and performance.
- b. Assess the employee's potential and determine whether the employee is suited for employment.
- c. Make every effort to understand the employee's problems and provide proper guidance.
- d. Discuss the employee's performance, conduct, and character traits with the employee.
- e. Consult the Training, Development and Employee Relations Branch (TD&ERB), Office of Human Capital Management (OHCM), promptly to determine the action to be taken if it becomes apparent that the employee's conduct, general character traits, or capacity to work are inadequate for satisfactory performance in the employee's present position.

2.2 Director, Office of Human Capital Management

The Director, OHCM is the official delegated authority to make separations of probationers based on circumstances occurring prior to an individual's employment at this Center (see LAPD 1200.5).

3. Procedures

3.1 Workforce Systems & Employee Services Branch (WS&ESB), OHCM

- a. Forward Probationary Notice Information via email to the probationary employee's supervisor with copies to the Administrative Officer of the employee's organization and TD&ERB during the tenth month of the employee's probationary period.
- b. Report the employee's status as certified by the supervisor to NSSC to update the automated personnel system.

3.2 Immediate Supervisor

- a. Recommendation to Retain

Print the email notification, certify/date intent to retain employee based on satisfactory performance, conduct, and general character traits and forward to WS&ESB, OHCM, MS 174; OR

- b. Recommendation to Terminate

(1) Immediately contact TD&ERB for assistance in determining appropriateness of termination during the probationary period. TD&ERB will assist supervisor in preparing official notice of termination.

(2) Print the email notification, certify/date intent to terminate the employee based on unsatisfactory performance, conduct, and general character traits and forward to WS&ESB, OHCM, MS 174. (NOTE: Although the report will be issued during the tenth month of employment, it is not intended that the supervisor wait until this time to recommend the termination of an unsatisfactory employee. Supervisors should contact TD&ERB, OHCM, as soon as an employee's performance or conduct becomes unsatisfactory.)

3.3 Employee Appeal

- a. If separated during the probationary trial period for unsatisfactory performance or conduct after employment. An employee may appeal to the Merit Systems Protection Board (MSPB) a separation not required by law which he/she alleges was based on: (i) partisan political reasons (political affiliation) or marital status; or (ii) race, color, religion, sex, national origin, physical handicap, or age (provided that at the time of the alleged discriminatory action, the employee was at least 40 years of age) if such discrimination is raised in addition to (i) above. (Appeals of discrimination based solely on race, color, religion, sex, national origin, physical handicap, or age are to be processed under the discrimination

complaint procedures. (NOTE: Appeals must be made to MSPB no later than 30 calendar days after the separation.)

b. If terminated during the probationary period based on conduct before employment.

(1) Only the Director, OHCM, can make separations for conduct before appointment. When the termination of a probationer for reasons based in whole or in part on conduct before employment (such as intentional falsification of application forms or other pre-appointment documents), the probationer is entitled to:

- a. notice in advance,
- b. a specific and detailed statement of the reasons,
- c. the right to reply in writing and submit affidavits in support of reply,
- d. the identity of the person to receive a reply (Director, OHCM, Mail Stop 120),
- e. a reasonable time for preparation and return,
- f. consideration of the reply, if made, by the Director, OHCM, and
- g. notice of the right to appeal to MSPB no later than 30 calendar days after the separation is affected.

(2) An appeal may be based on:

- a. a review of the procedures by which the employee was separated.
- b. discrimination because of partisan political reasons (political affiliation) or marital status.
- c. discrimination because of race, color, religion, sex, national origin, physical handicap, or age (if such discrimination is raised in addition to partisan political reasons or marital status). Appeals of discrimination based solely on race, color, religion, sex, national origin, physical handicap, or age are to be processed under the discrimination complaint procedure.

(3) The probationer is not entitled to an examination of witnesses nor to a trial or hearing. Should the Office of Personnel Management direct the separation of a probationer, the above entitlements are not required.