



## *Improving Federal Leadership Through Better Probationary Practices*

May 2019

### *In Brief*

#### **The Vision for Supervisory and Managerial Probationary Periods**

Federal supervisory and managerial probationary periods allow agencies to observe a new hire's performance before finalizing the appointment. If the new supervisor or manager does not perform satisfactorily, then the agency can remove the person from that position. When used properly, the probationary period is one of the most valid predictors of future success and can help ensure that the Government has qualified, competent leaders.

#### **The Reality**

The U.S. Merit Systems Protection Board (MSPB) found that agencies rarely use the probationary period to take actions against unsuccessful supervisors. For instance, in fiscal year (FY) 2016, only about 7 out of every 1,000 new supervisors failed the probationary period.

There are perceptions that the length of the probationary period is a significant barrier to using it to take actions against underperforming supervisors and managers. However, as explained in this research brief, agencies largely reported that probation length is not a barrier. The two barriers most cited by agencies were supervisors' unwillingness to take actions against probationers and the lack of available positions in which to place ineffective probationers. These barriers are not easily addressed through changing agency practices, and new laws and regulations also would likely have minimal impact.

#### **The Way Forward**

This brief builds on findings and recommendations from prior MSPB research to address issues related to the effective use of supervisory and managerial probationary periods. First, agencies can strengthen front-end processes to reduce the likelihood of making a bad hire in the first place. This means improving hiring, supporting probationers through good employee development and performance management programs, and ensuring that probationers' supervisors are prepared for their responsibilities. Then, agencies can focus on putting probationary policies and processes in place that will enable managers to take actions when necessary.

### *Introduction*

Federal supervisors and managers have a difficult job. They work in an environment of competing priorities, limited resources, and high expectations and visibility. At the same time, research demonstrates that they directly affect the retention, engagement, and productivity of good employees. Therefore, agencies need to ensure that the supervisors and managers they select have the skills necessary to work effectively in this environment.

New Federal supervisors and managers are required to serve a probationary period to provide agencies an opportunity to evaluate their performance before finalizing the appointments. In this

research brief, MSPB examines how the supervisory and managerial probationary periods are being used by agencies, identifies what barriers exist to using them more effectively, and builds on prior MSPB research to discuss what steps agencies can take to improve Federal leadership through better probationary practices.

## *How Supervisory and Managerial Probationary Periods Work*

Most Federal employees are aware of how the initial-appointment probationary period works.<sup>1</sup> When applicants accept their first Federal job in the competitive service, they generally serve an initial 1-year probationary period before they are afforded the full rights and protections of a Federal employee.<sup>2</sup> That means they can be separated from service more easily than nonprobationary employees who are entitled to advance written notice, an opportunity to respond to a proposed adverse action, and appeal rights to MSPB. Although similar in some respects to the initial-appointment probationary period, the regulations that govern the supervisory and managerial probationary periods differ in some significant ways.<sup>3</sup>

**Who is covered:** Upon the person's first appointment to a supervisory or non-Senior Executive Service (SES) managerial job, the individual is required to serve a probationary period.

A *supervisor* is someone who accomplishes work through the direction of other people and performs at least the minimum supervisory duties required for coverage under the OPM *General Schedule Supervisory Guide*.<sup>4</sup> They plan work, communicate organizational goals and policies, guide performance, listen to concerns and ideas, ensure employees have the resources needed to do their jobs, play a significant role in determining the culture of the organization, and often make difficult decisions about employee recruitment, retention, development, recognition, and appraisal. In addition, because resources are scarce for many employers, supervisors are often expected to perform line work that requires technical skills.

A *manager* supervises other supervisors and is not a member of the Senior Executive Service (SES).<sup>5</sup> Further, a manager, as described in the *General Schedule Supervisory Guide*, directs the work of an organizational unit, is held accountable for the success of specific line or staff functions, monitors and evaluates the progress of the organization toward meeting goals, and makes adjustments in objectives, work plans, schedules, and commitment of resources.

**Distinct probationary periods:** Supervisory probation and managerial probation were designed to be distinct from each other. An employee is required to complete a single probationary period when appointed for the first time to a supervisory position *and* a single probationary period when appointed for the first time to a managerial position.

**Length:** Unlike the initial-appointment and SES probationary periods that are 1 year in length by statute, the lengths of supervisory and managerial probationary periods are not actually set in law or regulation, leaving much flexibility for agencies. Agency heads have the authority to determine the duration provided that the length is reasonable and fixed, appropriate to the job, and

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<sup>1</sup> The law and regulations for initial appointments are found at 5 U.S.C. § 3321 and 5 CFR § 315.801–806.

<sup>2</sup> A few agencies have the authority to establish a longer initial probationary period, including the Internal Revenue Service and the Departments of Homeland Security and Defense. Also, the probationary period should not be confused with the 2-year trial period for new excepted service employees.

<sup>3</sup> The regulations for the supervisory and managerial probationary periods, as summarized here, can be found at 5 CFR § 315.901–909.

<sup>4</sup> For more information on the *General Schedule Supervisory Guide*, go to <https://www.opm.gov/policy-data-oversight/classification-qualifications/general-schedule-qualification-standards/specialty-areas/supervisory-guide/>.

<sup>5</sup> SES probationary procedures are covered in 5 CFR § 317.503.

consistently applied. In addition, the agency head may establish different durations for the supervisory and managerial probationary periods and for different occupations. The agency head can also choose to use a uniform duration for all.

**Criteria for completion:** The regulations indicate that satisfactory completion of the probationary period is based on supervisory or managerial performance in that role. However, the regulations do not define specific criteria for what successful performance looks like—that is left to the agencies to determine.

**Consequences for failing to successfully complete the probationary period:** This is the area where the supervisory and managerial probationary periods differ most from the initial-appointment probationary period. When a Federal employee does not successfully complete the initial-appointment probationary period, the consequence is termination from the agency. This termination can be accomplished fairly simply because the employee does not possess the due process rights of an employee with a finalized appointment.

The consequence for failing to successfully complete the supervisory or managerial probationary period is the employee's removal from the supervisory or managerial position, but not necessarily termination. The following identifies consequences for the different scenarios if a new supervisor or manager does not successfully complete the probationary period. The consequences are also summarized in Figure 1.

*For Probationers with Prior Federal Service:* If the probationer previously held a competitive service position and completed the initial-appointment probationary period, he would be returned to a position in the agency of no lower grade and pay than the position previously held.

*For Probationers with No Prior Federal Service:* If the probationer did not serve previously in a competitive service position, she would serve the initial-appointment probationary period and the supervisory or managerial probationary period at the same time. In that case, the initial-appointment probationary period takes precedence, and the consequence for failing during that probationary period would be termination from the competitive service. After the initial probation is complete, the employee gains all the rights of a Federal employee with a finalized appointment and cannot be fired using the probationary procedures.

**Figure 1. Consequences of Failing the Supervisory or Managerial Probationary Period**



## *Importance of Probationary Periods*

Research demonstrates that supervisors and managers directly affect the retention, engagement, and productivity of good employees.<sup>6</sup> Research also shows that while technical skills are

<sup>6</sup> For instance, see MSPB, *The Federal Government: A Model Employer or a Work In Progress?*, 2008, p. 25; MSPB, *The Power of Federal Employee Engagement*, 2008, pp. 27-35; MSPB, *A Call to Action: Improving First-Level Supervision of Federal Employees*, 2010, p. 1; International Public Management Association for Human Resources (IPMA-HR), *2016 Cross-Generational Benchmarking Report*, 2016, p. 19; David A. Garvin, “[How Google Sold Its Engineers on Management](#),” *Harvard Business Review*, December 2013.

important to a supervisor's job performance, leadership skills are even more critical.<sup>7</sup> Technical skills help supervisors provide appropriate guidance and build credibility with the staff, but leadership skills are more important to a supervisor's overall ability to lead the workforce. This skill set helps them communicate clearly, empower others, manage performance, and produce results. OPM recognizes this concept by identifying 10 competencies that are most important for supervisory work and treating technical skills as an entirely separate category from other leadership competencies.<sup>8</sup>

Although the evidence suggests that leadership skills are more important to good supervision than strong technical skills, Federal survey research indicates that supervisors tend to have better technical skills than management skills. Results from MSPB's Governmentwide 2016 Merit Principles Survey (MPS) show that almost three-quarters of employees (72 percent) indicated that their supervisor has good technical skills, but only two-thirds (62 percent) felt their supervisor has good management skills. Furthermore, these leadership competencies are harder to measure and develop than technical competencies.<sup>9</sup> That is what makes the probationary period especially important in determining whether supervisors and managers have these key skills.

### *Frequency of Actions Taken Against Supervisory Probationers*

Despite the importance of the probationary period, Federal employment data shows that agencies rarely use it to take actions against unsuccessful supervisory probationers. Table 1 includes the estimated rates of new Federal supervisors failing to successfully complete probation between 1999 and 2016.<sup>10</sup>

Though the overall failure rates have increased slightly since 2009, they have never reached even 1 percent of new supervisors. For instance, agencies hired approximately 28,500 new supervisors in 2016, but took fewer than 200 actions against new supervisors for failing to successfully complete probation. In other words, only about 7 new supervisors in every 1,000 were either reassigned to a nonsupervisory position or separated from the Federal Government.

Because hiring occurs throughout the year and the length of the supervisory probationary period may vary by agency, we can only estimate the percentage of probationary actions taken against new supervisors. However, these estimates point to a convincing trend that agencies are making little use of this additional assessment opportunity. Employment data does not allow us to analyze data for managerial probationary periods in the same way, but similarities in regulations and how agencies administer these programs would suggest that the pattern of actions taken against managers would be similar or maybe even lower.

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<sup>7</sup> For instance, see MSPB, *The Power of Federal Employee Engagement*, 2008, p. 18; MSPB, *A Call to Action*, p. 17; Garvin, "How Google Sold Its Engineers on Management," *Harvard Business Review*; Annamarie Lang and Bradford Thomas, "Crossing the Canyon: From Technical Expert to First-Time Leader," *T+D Magazine*, March 2013, pp. 37-38.

<sup>8</sup> See OPM, *Supervisory Guide* at <https://www.opm.gov/policy-data-oversight/classification-qualifications/general-schedule-qualification-standards/specialty-areas/supervisory-guide/>.

<sup>9</sup> See MSPB, *Making the Right Connections: Targeting the Best Competencies for Training*, 2011; J. Ford, "Competencies and Trainability: The Rest of the Story," presentation at International Personnel Assessment Council, September 15, 2009. Accessed at: <http://annex.ipacweb.org/library/conf/09/ford.pdf>.

<sup>10</sup> Estimates are based on data from OPM's Enterprise HR Integration/Statistical Data Mart. New supervisors include both individuals new to Federal service who were hired into a supervisory position and current Federal employees who appeared to be new to supervision. Probationary actions include both actions taken for failure to successfully complete a supervisory probationary period under 5 CFR § 315, Subpart I and actions taken for failure to complete a competitive service probationary period under 5 CFR § 315, Subpart H or a comparable excepted service probationary or trial period. Similar data was presented in MSPB's *A Call to Action*, p. 27. The numbers are slightly different due to the nature of the dynamics file and small fluctuations as agencies correct actions from prior years.

**Table 1. Federal Agency Actions for Failure to Complete Supervisory Probation**

<i>Fiscal Year</i>	<i>Number of New Supervisors</i>	<i>Probationary Actions</i>	
		<i>Number</i>	<i>Percentage</i>
1999	20,873	63	0.30%
2000	21,515	56	0.26%
2001	22,014	67	0.30%
2002	25,931	125	0.48%
2003	23,175	379	1.64%
2004	25,743	124	0.48%
2005	25,066	99	0.39%
2006	25,417	99	0.39%
2007	29,809	116	0.39%
2008	32,856	121	0.37%
2009	30,732	169	0.55%
2010	37,214	211	0.57%
2011	29,337	219	0.75%
2012	26,554	163	0.61%
2013	25,051	147	0.59%
2014	25,247	132	0.52%
2015	29,305	159	0.54%
2016	28,467	192	0.67%

Furthermore, we found that agencies are slightly more likely to take a probationary action against individuals who can be terminated from the organization as opposed to those who would have to be reassigned to another position. Of the actions taken between 1999 and 2016, almost 60 percent were against supervisors who were new to Federal service and serving an initial-appointment probationary period while about 40 percent were against supervisors who had previously completed an initial-appointment probationary period. It is unclear whether probationers' supervisors take more of these actions because they feel new supervisors with less Federal experience are not as well prepared, they are more willing to take action when supervisors can be terminated rather than reassigned, or they are less inclined to take action against a longer-term employee who performed well enough in the past to be promoted.

We also looked at how often new supervisors resigned or retired within 2 years of their first supervisory appointment to see if that could explain the low numbers of probation actions taken. While the probationary period is an opportunity for the agency to conduct a final assessment of the supervisors' skills and abilities, it is also an opportunity for new supervisors to determine if they want to pursue a management track. The numbers over a 10-year period varied from a low in 2013 of 1.37 percent of new supervisors who resigned or retired within 2 years of the appointment to 3.32 percent in 2007. Although these numbers show some voluntary movement, they are still relatively low, and we cannot determine why these individuals chose to leave.

As discussed in MSPB's 2010 *A Call to Action* report, it is unlikely that so few new supervisors would fail in a leadership position. The role is so different from a technical position that one would expect even some of the most skilled technicians would not perform well as supervisors, particularly given the weaknesses MSPB has identified in agency leadership hiring and development practices.<sup>11</sup>

<sup>11</sup> MSPB, *A Call to Action*, p. 26.

The low rate of recorded failure for new Federal supervisors, therefore, suggests that many agencies are either not using the probationary period to assess the new supervisors' ability to do the job, or they are letting supervisors continue in positions despite evidence that they will not be successful in those positions. Therefore, we explored more closely how agencies use the supervisory and managerial probationary periods.

### *How Supervisory and Managerial Probationary Periods Are Used*

To gain some understanding about how agencies implement the supervisory and managerial probationary periods, we sent a questionnaire to members of the Chief Human Capital Officers (CHCO) Council. We received responses from 22 agencies, and their responses provided some insight into how Federal probationary periods are structured, implemented, and supported, as well as what types of obstacles agencies experience when administering probationary periods.

#### **Why Supervisors and Managers Fail**

We asked CHCOs what types of issues cause supervisors or managers to fail the probationary period. The respondents acknowledged that failure does not happen often. However, when it does, respondents said it is usually because the supervisors and managers were hired for their technical expertise and lacked the supervisory and leadership skills necessary for the job, such as interpersonal, communication, and performance management skills. One respondent stated that the General Schedule classification and pay system contributes to the common practice of promoting technical experts to supervisory positions because it lacks adequate ways to reward and retain technical experts.

Other reasons agency representatives gave for supervisors and managers failing the probationary period included insufficient preparation for the role, including a lack of training, coaching, clear expectations, and regular feedback.

#### **Perceptions of Effectiveness**

Results are mixed regarding how well agencies are using the probationary period. We asked CHCOs how effectively they think their agency uses the supervisory and managerial probationary periods to ensure probationers can perform their duties sufficiently, and their responses indicate room for improvement. Sixteen of the respondents reported that they use the probationary period somewhat effectively, while only four said they use them very effectively and two said they do not use them very effectively.

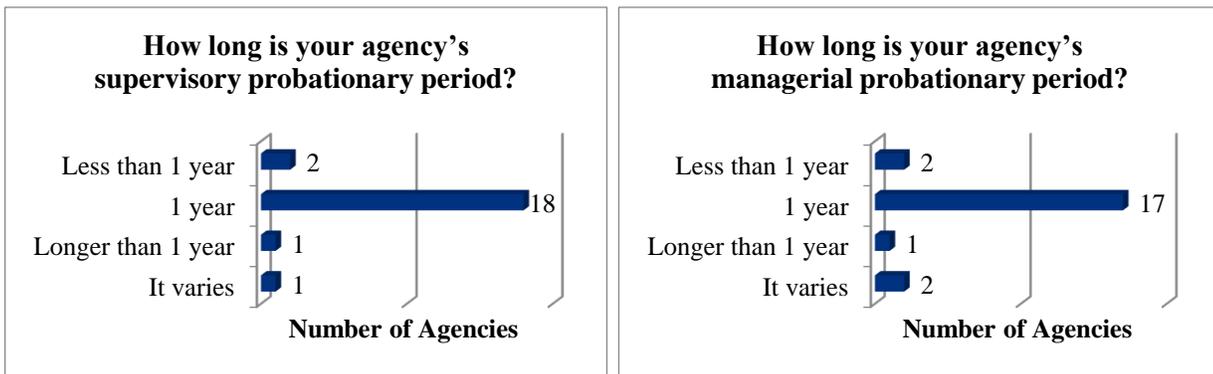
MPS 2016 data shows that a majority of supervisors and managers (56 percent) felt that their performance during the probationary period was used to decide whether they should continue in a supervisory role, up from 38 percent in 2007. However, almost one-third of the MPS respondents did not know how their performance affected their tenure as supervisors, and 12 percent believed their supervisory performance was not used to decide if they should continue in the supervisory role. If the probationary period is to be used as a final assessment of candidates' qualifications, then probationers should be getting regular feedback about their performance and understand how that performance influences decisions about their tenure with the organization.

#### **Length of Probationary Periods**

As indicated earlier, the duration of the supervisory and managerial probationary periods is not set in law or regulation; rather, agency heads can determine the length. Largely, we found that

agencies are not using this flexibility. As Figure 2 shows, over three-quarters of agency representatives told us that their probationary periods are 1 year. Very few said that they have probationary periods longer or shorter than that.

**Figure 2: Lengths of Probationary Periods**

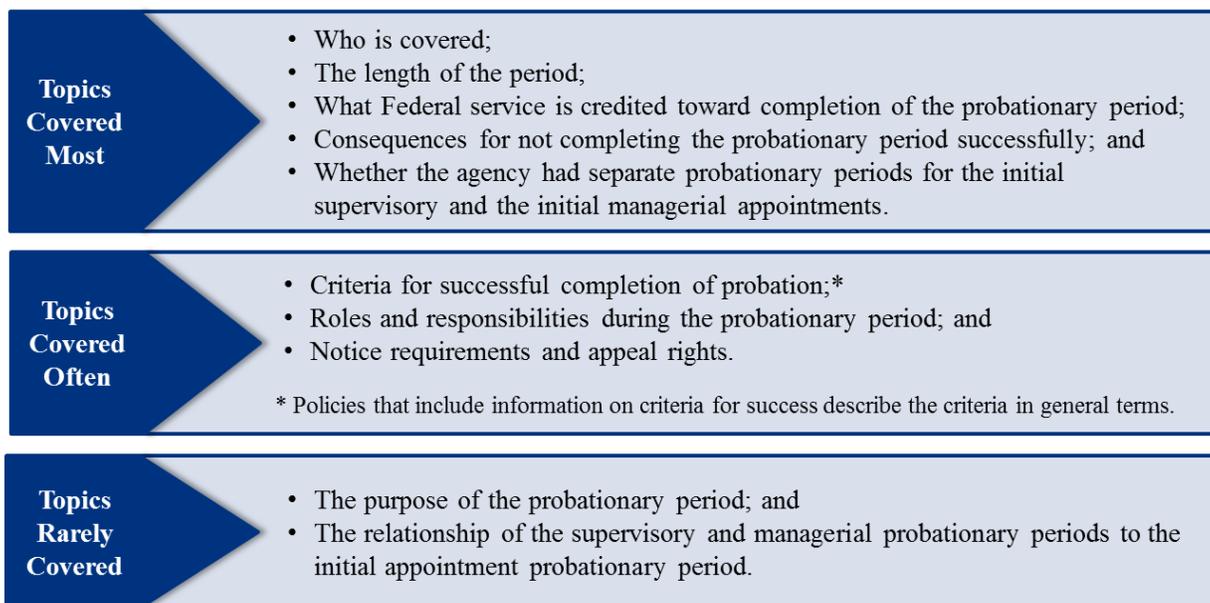


**Probationary Period Policies**

Good human resources (HR) policies help ensure consistency in how rules are carried out, knowledge about what HR practices the organization permits, and clarity about expectations. We asked agencies if they have policies regarding supervisory and managerial probationary periods. A majority (15) reported that they do, but almost one-third (6) said they do not.

We reviewed a sample of 24 departmental or component-level policies. A summary of what is included in those policies is contained in Figure 3. The more information the agency can provide in its policy, the more probationers will understand how the probationary period affects their tenure and the more probationers’ supervisors will understand how to effectively use it.

**Figure 3. Topics Included in Agency Supervisory and Managerial Probationary Policies**



**Communication with Probationers About Probationary Period Requirements**

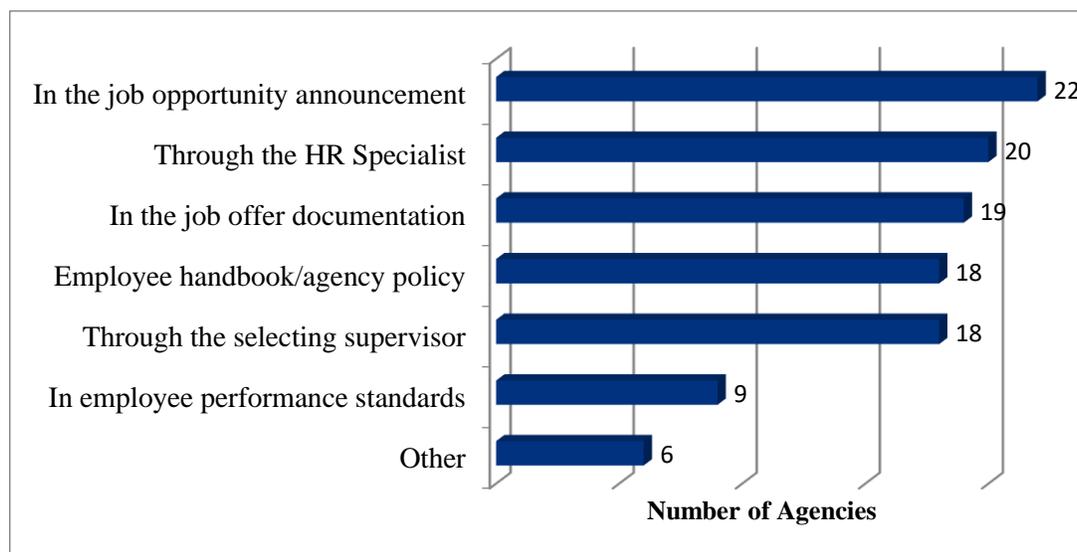
If the probationary period is to be used as the final step in the selection process, then new supervisors and managers must understand that they are required to serve probation before the

appointment becomes final. They must also understand what they need to do to successfully complete probation.

Data from the 2016 MPS indicates that supervisors generally agree that they are informed about the supervisory probationary period requirement. Seventy-eight percent of supervisor and manager respondents indicated that when they first became supervisors, they were told they would have to serve a probationary period. That is up from 66 percent in 2007.

As shown in Figure 4, agencies reported several ways that they communicate probationary period requirements to new supervisors and managers. Most agency representatives said that new supervisors and managers get information from the HR specialist, selecting official, job offer documentation, and employee handbooks and policies.

**Figure 4. How does your agency communicate information about the supervisory/managerial probationary period to the probationer?**



Every agency representative who responded to the questionnaire said that the job opportunity announcement (JOA) contains information about the requirement. However, a review of JOAs indicates that agencies are not using this avenue of communication as much as they believe. We conducted an analysis of the 30,444 supervisory JOAs posted on USAJOBS in 2015 and found that only 49 percent mentioned the supervisory probation period.

Although agencies are not required to include information about probation in the JOA, they are missing a prime opportunity to communicate the importance of probation as both a job requirement and part of the assessment process when they do not include this information. It is especially important when recruiting from outside the Federal Government because many private sector or nonprofit employers have much shorter probationary periods for new employees, often ranging from 2 weeks to 90 days.<sup>12</sup> We also found that the language used in JOAs is typically very general, with a common statement reading only that “a 1-year probationary period may be required for supervisory/managerial positions.”

<sup>12</sup> “Probationary Employment Periods,” *Inc.*, <http://www.inc.com/encyclopedia/probationary-employment-periods.html>.

## Support Provided to Probationers

Training, development, and preparation for leadership positions should not stop when the candidate is hired into a supervisory or managerial job. Any new employee will require support and guidance as they learn how to perform their new job.

Effectively managing probationers' performance and development are critical to helping them perform successfully during the supervisory and managerial probationary periods. As such, organizations need to communicate what is expected of probationers, provide them regular feedback on their performance, and provide training and development opportunities to build their skills. Therefore, we asked agencies what kind of support they provide to new supervisors and managers in these areas.

Almost all agency representatives who responded to our probationary period questionnaire indicated that new supervisors receive reviews with their supervisors at midyear (21) and at the end of the year (20). About one-third of the representatives (7) said that their agency managers hold quarterly reviews with employees. These quarterly and semi-annual reviews would include establishing expectations and evaluating probationer's performance and needs for development.

Agency representatives recognized that new supervisors do need training during the probationary period. Almost all (21) indicated that this need is generally met by having the probationer work with the immediate supervisor to identify training and development needs. Many (18) also reported that they have implemented training strategies at the departmental or subcomponent level.

When asked to describe best practices they use to manage the supervisory and managerial probationary period, many agencies highlighted their mandatory supervisory training, refresher training, and just-in-time training programs that provide training solutions at the time of need.

Based on the responses we received, it is obvious that agencies are putting an emphasis on trying to improve the training that their managers and supervisors receive. However, historically, research has found that supervisory training and support have not been sufficient to properly train new supervisors.<sup>13</sup> Furthermore, data from the 2016 MPS indicates that there are a significant number of Federal supervisors and managers who feel they do not get the support they need in these areas. About one-third of the supervisory and managerial respondents either disagreed or were neutral in their opinions as to whether their supervisors provide constructive feedback on their performance (35 percent) and whether they are satisfied with learning and development opportunities (32 percent).

## Communication Between HR and Probationers' Supervisors

Probationers' supervisors are predominantly responsible for how effectively the probationary period is administered. They set the expectations for probationary performance, provide feedback on that performance, and make the final decision as to whether the probationer continues in the supervisory role. HR's role is to support supervisors by providing them the information and guidance they need to effectively perform these duties, including the following.

First, the probationer's supervisor needs to know that the incoming supervisor or manager is in a probationary period. A good number of agencies (16) said that it is common practice for the HR

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<sup>13</sup> See MSPB, [A Call to Action](#), pp. 33–60.

office to notify the probationer's supervisor that the person hired for the position is required to serve a probationary period. However, several (5) said that the way supervisors were notified of this information varied. Agencies should ensure that this information is shared with probationers' supervisors and that those supervisors receive training or guidance as to what their responsibilities are in overseeing a probationer. Laying this foundation is necessary to ensuring effective use of the probationary period.

*Just under half (10) of the agency representatives told us that it is common practice for the HR office to send reminders to probationers' supervisors that the probationary period is coming to an end.*

Second, the probationer's supervisor needs to know when the probationary period ends. Just under half of the agency representatives (10) told us that it is common practice for the HR office to send reminders to probationers' supervisors that the probationary period is coming to an end. Several (4) said that it is not common practice and several more (7) said that it varied throughout the agency. Technically, it is the supervisor's responsibility to know when the probationary period ends. In fact, the supervisor should be working with the probationer throughout the probationary period to provide feedback and development to help the employee succeed. Therefore, the end date should not be a surprise. However, it would be helpful if HR offices could provide reminders to supervisors to let them know that probationary periods are about to end and the importance of moving unsuccessful candidates out of their positions before the period expires. Such reminders would help ensure that deadlines are met and underperforming probationers are not granted final appointments erroneously.

Finally, the probationer's supervisor should be making an active decision that the probationer has successfully completed the probationary period and deserves a final appointment to the supervisory or managerial position. In fact, MSPB made a recommendation in our 2005 probationary period report that OPM should establish procedures that keep an initial-appointment probationer from automatically becoming an employee in the absence of agency action.<sup>14</sup> Even without a regulatory change, agencies can institute an internal process to achieve this. However, only about a quarter of the agency representatives (6) indicated that supervisors are required to provide documentation that new supervisors and managers successfully completed the probationary period.

### *Barriers to Using Probationary Periods*

Given that few probationary actions are taken against supervisors each year, we asked agencies what kinds of barriers prevent the effective use of the supervisory and managerial probationary periods. The overall results are shown in Table 2.

There are perceptions that the length of the probationary period is a major barrier to using it to take actions against underperforming supervisors and managers. In fact, this perception led to a legislative proposal in the 115<sup>th</sup> Congress—the *Ensuring a Qualified Civil Service Act of 2017 Act*—which would have set the length of the periods to 2 years to allow more time to assess new hires. However, as indicated earlier, agency heads can designate the length of the supervisory and managerial probationary periods but have largely chosen to use the typical 1-year period. Furthermore, only two agency representatives indicated that probation length is a barrier to effectively using the probationary period.

When we asked agencies what barriers do prevent the effective use of the supervisory and managerial probationary periods, the two barriers cited most were supervisors' unwillingness to

<sup>14</sup> MSPB, *The Probationary Period: A Critical Assessment Opportunity*, 2005, p. 34.

take actions against probationers and the lack of available positions in which to place ineffective probationers.

**Table 2. Do you agree that the following are potential barriers to the effective use of supervisory and managerial probationary periods?**

<i>Potential Barrier</i>	<i># of Agencies</i>			
	<i>Agree</i>	<i>Neutral</i>	<i>Disagree</i>	<i>Can't Judge</i>
Probationers' supervisors are not comfortable taking action against ineffective probationers.	8	8	4	2
Managers do not have positions in which they can place ineffective probationers.	8	5	6	3
Probationers' supervisors do not do a good job evaluating probationers' performance.	5	9	6	2
Probationers' supervisors are not held accountable for taking action during probationary periods.	5	8	8	1
Probationers' supervisors are not informed when probationary periods are about to expire.	3	3	16	0
Probationers' supervisors are not supported by their leadership to take action against ineffective probationers.	3	4	13	2
The length of the probationary period does not allow enough time to properly assess supervisors' or managers' abilities.	2	4	16	0
Probationers' supervisors lack awareness about the supervisory and managerial probationary periods.	0	5	17	0
There are no barriers to effectively using the probationary period.	3	10	8	1

Eight responding agencies agreed that supervisors' discomfort with taking actions against ineffective supervisory and managerial probationers is a barrier. This is a longstanding problem in Government, and Federal employees have commonly cited the management of poor performers as a workforce issue in various surveys. There are numerous reasons a Federal manager may not want to separate a new supervisor or manager. For instance, the probationer could have technical skills the organization seeks to preserve or separation could cause morale problems in the organization. MSPB's 2009 report *Managing for Engagement—Communication, Connection, and Courage* also identified insufficient performance management training as a key contributor to lack of action and recommended several ways that agencies can help improve supervisors' ability to deal with poor performers.<sup>15</sup>

Another barrier cited by eight agencies was the lack of placement options for a failed probationer. Under current law, a failed supervisory or managerial probationer is removed from the position but is not necessarily terminated from the organization. An unsuccessful probationer who previously held a position in the competitive service and completed the initial-appointment

<sup>15</sup> MSPB, *Managing for Engagement—Communication, Connection, and Courage*, 2009, pp. 39–40.

probationary period would be returned to a position in the agency of no lower grade and pay than the position previously held.

There are many reasons that placement could be viewed as a barrier. The organization may not have a vacant position available, particularly in times of downsizing and hiring freezes. The continued presence of the unsuccessful probationer could create uncomfortable situations within the work unit, potentially lowering morale. Also, the probationer could feel resentment or embarrassment toward the reassignment, possibly undermining performance in the new position.

Some might suggest that the system be changed to require that failed probationers are fired, not returned to prior positions. This would pose additional barriers. The organization would lose the technical expertise the probationer holds and that likely resulted in the probationer being promoted in the first place. It could also create a disincentive for current employees to risk accepting a supervisory position. In addition, if a manager is not comfortable taking such an action when the person will still be assured a paycheck, it is unlikely that he or she will be comfortable firing the employee outright—especially someone who did well enough in the previous job to warrant selection for promotion to a supervisory position.

Agencies also identified a few barriers not listed on the questionnaire, including the limited ability of probationers' supervisors to evaluate performance, lack of training for those supervisors, lack of time for them to spend working with probationers, and lack of knowledge about tools available to help carry out their responsibilities in working with probationers.

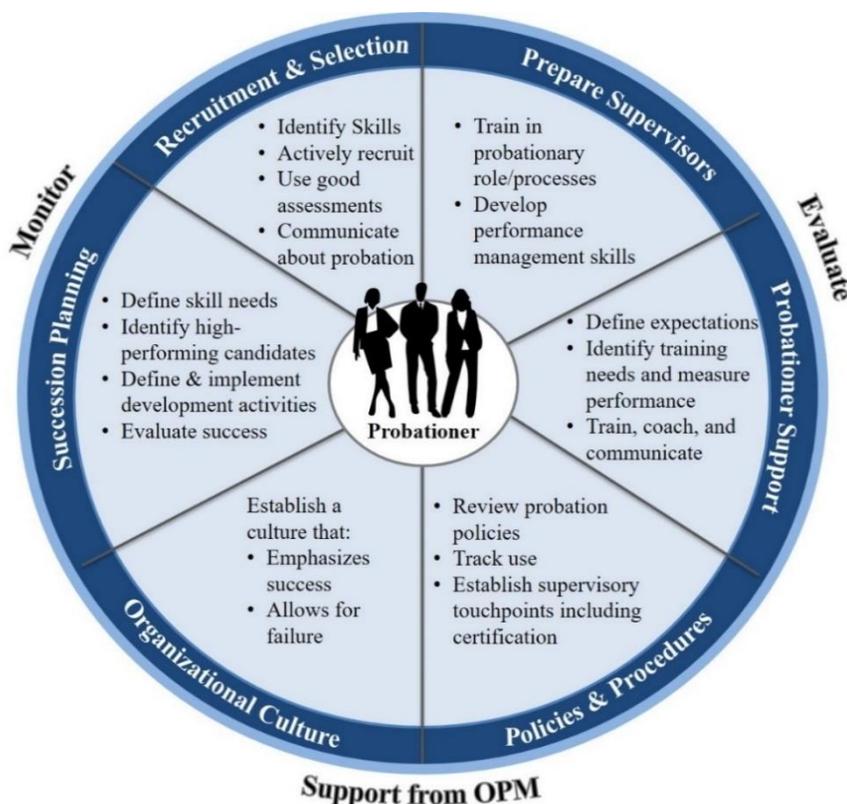
### *Improving Supervisory and Managerial Probationary Periods*

MSPB found no laws or regulations that stand in the way of agencies making more effective use of the supervisory and managerial probationary periods. Furthermore, the barriers most cited by agencies are challenges that are long-term issues not easily addressed through simple changes to agency practices. So, what can agencies do to make more effective use of the supervisory and managerial probationary periods?

The most important step agencies can take is to start at the beginning and shore up the front-end employment processes to reduce the likelihood of making a bad hire in the first place. That means improve succession planning, recruitment, and selection; ensure that probationers' supervisors are prepared to carry out their responsibilities regarding the probationary period; and support probationers through good employee development and performance management programs. Then, focus on putting in place probationary policies and processes that will help probationers' supervisors take actions when necessary and establishing an organizational culture that emphasizes success while also allowing for failure. Below are steps agencies can take without any change to laws, rules, or regulations that will help them achieve these goals. The steps described below and referenced in Figure 5 are compiled from prior MSPB reports or from best practices in workforce management.

#### **Strengthen Front-End Processes**

***Develop supervisors and managers early:*** A strong succession planning process will help identify and develop employees who would be most successful in future leadership positions, including supervisory and managerial positions. That means develop employees early; do not wait until there is a vacancy to fill. Agencies can do the following to build a strong development program: use competitive assessment processes to identify those who are likely to succeed in

**Figure 5. Probation and Employee Life Cycle**

supervisory and leadership positions; prepare them for future positions through training targeted at key management and leadership skills, temporary assignments to positions in which they can cultivate those skills, mentoring programs in which they can learn from seasoned professionals, and other appropriate developmental opportunities; and as they move through the development program, continually evaluate them to ensure they are developing the skills needed for future supervisory and leadership positions.

**Improve hiring:** Effective supervisory and managerial probationary periods start with hiring the best people. This includes doing a thorough job analysis to determine the technical and nontechnical skills necessary for the position; actively recruiting qualified candidates rather than just posting positions to USAJOBS and hoping good applicants apply; providing candidates a realistic job preview to help them decide whether the role is right for them; and using good assessment tools that focus on the skills most needed for the job, particularly good predictors of leadership ability.

**Prepare probationers' supervisors:** Probationers' supervisors have the primary responsibility for administering the probationary period. Therefore, they should be properly prepared to carry out their responsibilities. Supervisors should receive training regarding the supervisor's role during the probationary period, how to manage probationers' performance, and the process for finalizing probationers' selections.

**Define clear performance expectations:** One of the hardest parts of managing performance is clearly identifying what the performance expectations are for the position. Defining these expectations is critical to ensuring that probationers can perform the role for which they were hired and for making the determination of whether they should continue in that role. Therefore, supervisors should establish performance standards that new supervisors and managers will be

measured against during probation, communicate those standards to probationers, and use probationers' performance against those standards to determine whether the probationer will continue in the supervisory or managerial role.

***Communicate with probationers:*** Before they accept a job, candidates need to understand that they will be required to serve a probationary period, what they need to do to succeed, and the consequences for failing. Once they accept the position, regular communication between probationers and their supervisors is critical. Probationers need to understand how they are doing throughout the process and what the agency will do to help them succeed in the new position. That means establishing clear performance standards, setting benchmarks for successful performance, assessing and striving to meet training needs, evaluating performance, and regularly communicating with probationers to let them know how they are doing.

***Help probationers to succeed:*** Training, development, and continued preparation for leadership positions are critical for new hires. Effectively managing probationers' performance and development are critical to helping them perform successfully during the probationary period. As such, supervisors should communicate what is expected of probationers; provide them regular feedback on their performance; and provide training, development, coaching, and mentoring opportunities to build their skills and improve in areas where they are not succeeding.

### **Institute Sound Policies and Procedures**

***Establish clear policies:*** Good HR policies help ensure consistency in how the probationary period is administered. Supervisory and managerial probationary period laws and regulations allow agencies to make determinations about how certain aspects of probation will be carried out—such as the length of periods. Therefore, it is important for agencies to communicate what those determinations are, as well as other important information such as the purpose of probation, who is covered, consequences for not completing it successfully, criteria for successful completion, roles and responsibilities, and appeal rights.

***Determine the appropriate length of the probationary period:*** Agencies have the discretion to determine the length of the supervisory and managerial probationary periods, yet most use a standard 1-year period. Agencies should evaluate the time it will take to observe new supervisors and managers perform the full range of their duties and use that information to determine the proper lengths for the probationary period.

***Track the use of the probationary period:*** HR and agency leadership need to work together to hold supervisors accountable for effectively using the probationary period. That means tracking usage data, ensuring supervisors are monitoring probationers' performance, and communicating regularly with probationers' supervisors to see how things are going and what support they need.

***Establish probationary period touchpoints:*** HR should have a consistent process to notify supervisors when a new hire is required to serve a probationary period, at the midpoint of the probationary period, and when the probationary period is coming to an end. Although the supervisor should be keeping track of this information already, timely communication from HR will support the supervisor's efforts.

***Require certification of successful completion:*** Probationers' appointments are automatically finalized unless supervisors or HR staffs proactively intercede. To ensure that underperforming probationers do not slip through the cracks, agencies can ask supervisors to affirmatively certify that the probationer met the requirements of probation before the end of the probationary period.

## Create a Culture that Supports Both Success and Failure

***Establish an organizational culture that emphasizes success:*** Returning a probationer to a lower-graded nonsupervisory or nonmanagerial position can create embarrassment for both the probationer who did not succeed and the hiring official who erred in the selection. To avoid such situations, agencies need to create an organizational culture that emphasizes success through the way they do the following: plan supervisory and leadership succession; use high-quality practices to hire new employees; continually communicate with employees and provide feedback and coaching on their performance; and devote resources to developing employees as they transition into new roles. If an agency does all of these things, most employees will succeed.

***Establish an organizational culture that allows failure:*** Even with strengthened front-end processes, sound policies and procedures, and a supportive culture, failure will still occur. Dealing with that failure is not easy and will always bring a certain amount of disruption, but the organization can take steps to reduce the amount of disruption. Those steps revolve around clear, open communication not only with the probationer, but with the rest of the staff.

- The organization must send a clear message that all new supervisors and managers will serve a probationary period and what that means.
- When planning to fill a position, think about potential contingency plans in case the probationer does not succeed. Without thinking through alternatives ahead of time, agencies could find themselves choosing to retain failed probationers for lack of other options.
- Once the decision is made to remove the probationer from the position, it needs to happen as quickly and transparently as possible.
- Quickly place the probationer in a substantive position that effectively utilizes his or her skills and gives the probationer a sense of purpose and belonging.
- Be clear that the probationer is being reassigned, but emphasize with the staff the positive qualities that person brings to the organization and how the organization envisions the individual contributing to the mission in the future. Be clear that the organization still stands behind the individual.

***Explore career paths and incentives for technical experts:*** Most agencies have technical experts who do not have the skills or interest to be organizational leaders. To help retain their expertise without placing them in jobs for which they are ill-suited, agency leadership can work with HR to determine what career paths or incentives can be used to keep these critical skill sets.