



United States Merit Systems Protection Board

Contact: Arlin Winefordner
(202) 653-6772, ext. 1162
V/TDD 1-800-877-8339
(Federal Relay Service)

FOR IMMEDIATE RELEASE
September 23, 2005

MERIT SYSTEMS PROTECTION BOARD FINDS AGENCIES ARE NOT MAKING FULL USE OF PROBATIONARY PERIOD

Some Federal supervisors retain probationers they would choose not to hire again according to a report released today by the U.S. Merit Systems Protection Board (MSPB or the Board).

Under law, an appointment to the Federal competitive service is not finalized until a probationary period has been completed. However, according to the report titled "The Probationary Period: A Critical Assessment Opportunity," Federal supervisors often treat their probationers as if the appointment was final. Of those supervisors who reported in a Board survey that they would not select their probationer again, over half said they intend to retain the individual. The Board also found that supervisors invest resources and provide opportunities that are more appropriate for fully appointed employees rather than probationers.

"The probationary period can be a highly effective tool to evaluate a candidate's potential to be an asset to the Government before an appointment becomes final. However, the probationary period is effective only if agencies use it to appropriately assess their candidates and act upon those assessments," notes MSPB Chairman Neil A.G. McPhie.

Many probationers do not realize the probationary period exists, what the period is supposed to achieve, or the consequences of being a probationer, according to a survey of probationers conducted by the Board. Comments from probationers indicated many thought their agency did not take the probationary period seriously and doubted their agency intended to use it to assess them or their peers.

The report also discussed challenges posed by the current laws related to probationers and the limits the statute places upon the Office of Personnel Management's (OPM's) ability to give agencies flexibilities when addressing probationers. The Board recommends the relevant laws be changed to enable OPM to empower all agencies to use a probationary period of more than one year when the nature of the work makes it appropriate.

The Board further recommends that the statute and OPM regulations be changed to better reflect that a probationer must earn a finalized appointment and the rights associated with such an appointment, rather than obtaining those rights through the passage of time and a lack of intervening action by the employing agency.

The Board is an independent, quasi-judicial agency with responsibility for deciding Federal employee appeals from personnel actions taken against them and for protecting the integrity of the civil service and other Federal merit systems, and conducting studies of the civil service and other merit systems in the Executive Branch. Additional information on the Board is available on the Board's website at www.mspb.gov.