U.S. NUCLEAR REGULATORY COMMISSION

DIRECTIVE TRANSMITTAL

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To:	NRC Management Directives Custodians
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Employee Trial Period

Directive 10.14

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Employee Trial Period
Directive 10.14

Policy
(10.14-01)

It is the policy of the U.S. Nuclear Regulatory Commission to establish a trial period for appointment in the NRC sufficient to effectively assess the ability of an individual to perform adequately in his or her assigned position.

Objectives
(10.14-02)

- To establish a 2-year trial period before appointment to a position becomes final. The 2-year trial period applies to all individuals except those subject to the probationary period requirements in the Veterans' Preference Act. (021)

- To ensure that individuals are provided sufficient opportunity to become fully acquainted with the requirements of their positions and time to be assessed on the full scope of their required duties and responsibilities. (022)

- To ensure agencywide consistency in the application of trial period criteria to NRC employees. (023)

Organizational Responsibilities and Delegations of Authority
(10.14-03)

Director, Office of Human Resources (HR)
(031)

- Administers the trial period program on a day-to-day basis. (a)
- Provides staff assistance and advice to supervisors and managers on their responsibilities in relation to the trial period requirements for subordinate employees. (b)
- Evaluates trial period program activities to ensure they comply with regulatory requirements. (c)
- Prepares reports on the trial period program, as required. (d)

Office Directors and Regional Administrators
(032)

Ensure that subordinate supervisors and managers are cognizant of their responsibilities in assessing employees during the trial period.

Applicability
(10.14-04)

The policy and guidance in this directive and handbook apply to employees appointed to positions in the NRC but exclude administrative law judges and members of the Senior Executive Service (SES) as indicated in the exhibit of Handbook 10.14. The trial period for members of the SES is described in Management Directive 10.135, "Senior Executive Service (SES) Employment and Staffing Programs."

Handbook
(10.14-05)

Handbook 10.14 contains the program requirements and procedures for the administration of the trial period for NRC employees other than administrative law judges and SES members.

References
(10.14-06)

Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).

Civil Service Due Process Amendments of 1990 (5 U.S.C. 7501 note).

"Criteria and Procedures for Determining Eligibility for Access to Restricted Data or National Security Information or an Employment Clearance," 10 CFR Part 10.

Energy Reorganization Act of 1974, as amended (42 U.S.C. 5801 et seq.).

NRC Management Directive 10.44, "Relocation Bonus Program."

— 10.45, "Advances in Pay."

— 10.48, "Recruitment Bonus Program."

— 10.161, "Equal Opportunity in Government Employment."

— 12.3, "NRC Personnel Security Program."

Office of Personnel Management (OPM), "The Guide to Processing Personnel Actions."

Employee Trial Period

Handbook

10.14

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Part I
Overview of the Trial Period Process

Purpose of the Trial Period (A)

The trial period is the last and most important step in the selection process. This time is intended to give NRC the opportunity to assess, on the job, the employee's overall fitness and qualifications for continued employment and to permit removal, without formal procedures, of an employee whose performance or conduct does not meet acceptable standards. In this final phase of the NRC applicant evaluation process, the appointee's ability to perform the actual duties of the position and the appointee's conduct are critically reviewed. (1)

Performance that is less than fully successful or conduct that is less than satisfactory during the trial period may be made the basis for ending the individual's employment. (2)

Less than satisfactory conduct may include any false or misleading information furnished by the employee in connection with his or her appointment to the position. (3)

NRC employment is contingent on the individual's being found eligible for an NRC access authorization. The determination of eligibility for access authorization will be made consistent with 10 CFR Part 10. (4)

During the trial period, as well as after completion of the trial period, the employee is responsible for fulfilling the requirements of the job as stated in the position description and the critical elements and standards established for the position, and for complying with all regulations that govern conduct of employees. (5)

Coverage and Crediting Service (B)

The exhibit contains the specific provisions detailing when trial periods are required and the conditions under which service is creditable.

Relationship of Certification to Veterans' Preference Requirements (C)

Under the Veterans' Preference Act of 1944, an individual eligible for a veterans' preference who has completed a year of current, continuous service has due process protection and appeal rights relative to removal. Therefore, action to remove such an individual for less than fully successful performance or conduct that is less than satisfactory identified during the progress certification should be initiated before the completion of the 1-year trial period. (1)

Separation of individuals with a veterans' preference after completion of the 1-year trial period requires application of full due process procedures to which these veterans are entitled. (2)

Determining Completion of the Trial Period (D)

Full-Time and Part-Time Employees (1)

The trial period for nonpreference-eligible employees normally begins with the effective date of the appointment. The trial period consists of 104 calendar weeks of employment for both full-time and part-time employees with a prescheduled tour of duty. The time period is computed the same for both categories of employees. (a)

Determining Completion of the Trial Period (D) (continued)

Full-Time and Part-Time Employees (1) (continued)

The trial period consists of 52 calendar weeks of employment for both full-time and part-time employees with veterans' preference eligibility. (b)

Absence on leave **with** pay, absence for compensable injury, and furlough for military service are credited towards completion of the trial period. (c)

Absence in a nonpay status while on the rolls, including leave **without** pay and absence without leave but not including absence for compensable injury or military duty, is credited towards completion of the trial period up to an aggregate maximum of 22 workdays. Absences that exceed 22 workdays extend the trial period by an equal amount of time in a pay status. When an employee is in a nonpay status for less than a full day, the number of hours in that nonpay status is added to the period to determine whether it exceeds 22 workdays. (d)

When the trial period is interrupted by separation, suspension, or furlough that is subsequently found by appropriate authority pursuant to law, rule, or regulation to have been unwarranted and the employee is restored as of the effective date of the adverse action, the employee is considered for all purposes, including the trial period, to have served satisfactorily during the period. (e)

Service as an Action or Peace Corps volunteer does not count toward completion of the trial period. (f)

An individual who is reinstated from the reemployment priority list must complete any trial period in which he or she was serving when separated. (g)

Determining Completion of the Trial Period (D) (continued)

Full-Time and Part-Time Employees (1) (continued)

Former NRC or Federal employees with reinstatement eligibility for NRC Regular (Excepted) or NRC Regular (Excepted) (Conditional) appointments who successfully completed a trial or probationary period in their previous appointment do not have to serve a new NRC trial period. (h)

Former NRC or Federal employees with reinstatement eligibility for NRC Regular (Excepted) or NRC Regular (Excepted) (Conditional) appointments who did not complete their trial or probationary period will have time spent during their former probationary or trial period credited toward their NRC trial period requirement as long as such performance was fully successful. (i)

Intermittent Employees (2)

The trial period for nonpreference-eligible intermittent employees is 520 days in a pay status, that is, a day on which the employee was in a pay status for any part of the day. The trial period cannot be completed in less than 2 calendar years. (a)

The trial period for preference eligible intermittent employees is 260 days in a pay status, that is, a day on which the employee was in a pay status for any part of the day. The trial period cannot be completed in less than 1 calendar year. (b)

Documentation (E)

The requirement for completion of a trial period will be documented in the “Remarks” block of the SF 50, “Notification of Personnel Action,” in accordance with current instructions from the Office of Personnel Management.

Part II
Responsibilities and Procedures During the Trial Period

Role of the Supervisor (A)

The supervisor bears a duty to the employee and to the NRC in the trial period. The supervisor influences the work environment and the employee's impressions of the Government and the NRC as a place to work. The supervisor also determines whether the employee will be retained. (1)

For these reasons, the NRC has an interest in seeing that supervisors— (2)

- Are fully informed of the importance of their role to the employee and to the NRC (a)

- Receive training, as needed, in setting performance and conduct standards, evaluating the employee's progress, and assisting the employee to resolve his or her deficiencies (b)

- Ensure that employees understand at the time of appointment that they are required to serve a trial period (c)

- Communicate expectations for performance and conduct, provide meaningful work assignments, give periodic feedback on performance and conduct, and provide on-the-job training and counseling (d)

Evaluation and Certification of Employees (B)

Evaluation (1)

During the trial period, the supervisor is responsible for observing and evaluating the employee's performance and conduct by referring to the job requirements as stated in the position description and the critical elements and standards established for the position. (a)

The supervisor provides supportive guidance and training, as appropriate, including ongoing advice on performance or conduct inadequacies that need improvement. (b)

The supervisor informs the employee at the progress certification as to whether his or her performance and conduct have been evaluated as fully successful and satisfactory or less than fully successful and satisfactory, respectively. (c)

Failure to provide written performance standards and critical elements or other forms of appraisal or assessment to the probationer does not preclude the NRC from terminating the employee. (d)

Certification (2)

Appraisal (a)

The certification as to the employee's performance and conduct will be provided on NRC Form 199, “Trial Period Appraisal.”

Notification to Supervisors (b)

NRC Form 199 will be furnished to the immediate supervisor by the personnel representative both during the 8th month of the nonpreference-eligible employee's trial period for a progress

Evaluation and Certification of Employees (B) (continued)

Certification (2) (continued)

certification and again during the 20th month for the final certification. (i)

NRC Form 199 will be furnished to the immediate supervisor by the personnel representative both during the 5th month of the preference-eligible employee's trial period for a progress certification and again during the 10th month for the final certification. (ii)

Progress Certification (c)

For the nonpreference-eligible employee, no earlier than the beginning of the 9th month and no later than the end of the 10th month of the trial period, the supervisor must complete NRC Form 199 and return it to the personnel representative. The supervisor may wish to route the completed form through the second-level supervisor for information. This form contains the supervisor's certification on whether the employee is progressing at a fully successful level and whether his or her conduct has been satisfactory. (i)

For the preference-eligible employee, the supervisor must complete and return NRC Form 199 no earlier than the beginning of the 6th month and no later than the end of the 7th month. (ii)

If either performance or conduct is not progressing at a satisfactory level, the supervisor must include a brief written description of the specific deficiencies and the counseling, training, or other methods being implemented to assist the employee to achieve a fully successful rating. No portion of this paragraph, however, is to be interpreted as preventing or discouraging the initiation of removal action at any time during the trial period. (iii)

Evaluation and Certification of Employees (B) (continued)

Certification (2) (continued)

For preference-eligible employees who are not performing at a fully successful level, or when conduct is not satisfactory, see Parts I and II, Sections (C) and (D), respectively, of this handbook and contact the personnel representative. (iv)

Final Certification (d)

For nonpreference-eligible employees, no earlier than the beginning of the 21st month and no later than the end of the 22nd month of the trial period, the supervisor must complete NRC Form 199 and return it to the personnel representative. This form contains the supervisor's final certification on whether the employee's performance has been fully successful and whether his or her conduct has been satisfactory. (i)

For preference-eligible employees, the supervisor must complete and return NRC Form 199 no earlier than the beginning of the 9th month and no later than the end of the 10th month of the trial period. (ii)

This information is not to be interpreted as preventing or discouraging the initiation of a removal action at any time during the trial period. Performance that deteriorates or misconduct that occurs after the certification also may be made the basis for separation up to the end of the trial period. (iii)

Likewise, performance that improves to the fully successful level or conduct that improves to the satisfactory level may be made the basis for retention. (iv)

Evaluation and Certification of Employees (B) (continued)

Certification (2) (continued)

Deficiencies (e)

Each final certification of less than fully successful performance or less than satisfactory conduct must include a report of the employee's deficiencies.

Certification Requirements (f)

The certification requirements must be observed regardless of whether other performance evaluations may have been prepared and submitted during the trial period.

Review of Certification (3)

The personnel representative is responsible for ensuring that—

- Progress and final certifications as to performance and conduct are received on a timely basis from the supervisor of each employee in a trial period. (a)

- Fully successful performance and satisfactory conduct certifications are filed in the employee's official personnel file (OPF). (b)

- Followup action is taken regarding any employee whose performance is certified during the progress certification or the final certification as being less than fully successful. (c)

Certification As Less Than Fully Successful Performance and Satisfactory Conduct (C)

Progress Certification (1)

The following procedures apply when an employee in a trial period has been given a progress certification of less than fully successful in performance or less than satisfactory in conduct:

- The supervisor notifies the personnel representative and the Office of Human Resources (HR), Organization and Labor Relations (OLR), for guidance and assistance in carrying out his or her responsibilities in this situation. (a)

- If the supervisor determines that it is in the best interest of the agency to separate the employee during the progress review, the supervisor should work with HR/OLR to implement appropriate procedures. (b)

- When the supervisor determines that the employee should be retained, he or she should clearly identify any specific performance or conduct deficiencies to the employee and make them part of the progress certification. (c)

- The supervisor must counsel the employee on how to improve performance and must provide assistance as appropriate. (d)

- The supervisor must closely monitor the individual's progress and keep the employee fully informed of both his or her progress and the consequences if progress is not made. (e)

Performance Improvement Period (2)

At any time during the second year of the employee trial period in which the nonpreference-eligible employee's performance is determined to be unacceptable in one or more critical elements, the supervisor, in conjunction with HR/OLR, shall notify

Certification As Less Than Fully Successful Performance and Satisfactory Conduct (C) (continued)

Performance Improvement Period (2) (continued)

the employee of the critical element(s) for which performance is unacceptable and inform the employee of the performance requirement(s) or standard(s) that must be attained in order to demonstrate acceptable performance in his or her position. (a)

The supervisor also shall inform the employee that unless his or her performance in the critical element(s) improves and is sustained at an acceptable level, the employee may be removed. For each critical element for which the employee's performance is unacceptable, the supervisor shall afford the employee a reasonable opportunity to demonstrate acceptable performance commensurate with the duties and responsibilities of the employee's position. As part of the employee's opportunity to demonstrate acceptable performance, the manager shall offer assistance to the employee in improving unacceptable performance. (b)

Final Certification (3)

The following procedures apply when an employee in a trial period receives a final certification of less than fully successful performance or less than satisfactory conduct:

- The personnel representative will transmit a copy of the certification to a labor relations specialist in HR. (a)

- The HR representative will discuss with the supervisor whether the supervisor believes the employee's deficiencies warrant immediate separation or whether these deficiencies can be resolved before the end of the trial period. (b)

Separation During the Trial Period (D)

Separation during the trial period may be on the basis of deficiencies in job performance, lack of aptitude for the job, uncooperativeness, or undesirable suitability characteristics as evidenced by the employee's activities. (1)

When it becomes clear that the individual should not be retained in his or her position, the supervisor should initiate action to terminate the employee. (2)

The employee's separation must be initiated before the completion of the trial period. Otherwise, the full due process procedures applicable to the separation of an NRC employee who has an NRC Regular (Excepted) (Conditional) appointment and who has completed the trial period are mandatory. Separation must occur before the trial period ends. (3)

The trial period ends at the completion of the tour of duty on the last day of the trial period, which is the day before the anniversary date. **Trial periods are completed at the end of a tour of duty and separations are effective at midnight on the last day of the trial period, unless another time is specified**. (4)

- For example, if a trial period begins on December 1 and the tour of duty is from 8 a.m. to 4:30 p.m., the trial period will be completed at 4:30 p.m. on November 30 of the second year. A separation effective on November 30 would take effect at midnight on that date and after the trial period has been completed. (a)

- When the last workday of the trial period is a Friday and the anniversary date is the following Monday, the employee must be separated before the end of the tour of duty on Friday because Friday would be the last day the employee has to demonstrate fitness for further employment. (b)

Separation During the Trial Period (D) (continued)

To avoid the problems described in Sections (D)(4)(a) and (b) above, supervisors should not wait until the last day of the trial period to initiate separation or to separate a trial period employee. If separation cannot be made before the last day of the trial period, a specific date and time of separation **before** the end of the tour of duty should be indicated. (5)

Procedural violation of this directive does not reverse a final decision to terminate a trial period employee. (6)

Reasonable Accommodation (E)

Agencies are required to reasonably accommodate qualified handicapped employees. This requirement is administered by the Equal Employment Opportunity Commission (EEOC). Agency obligations must be followed in effecting removal actions involving handicapped employees during the trial period.

Separation Letter (F)

After the supervisor, or another management official specifically authorized by the office director or the regional administrator to act for the supervisor, decides that the employee's deficiencies warrant separation, the supervisor will, with the advice of the HR representative, prepare and sign a letter of separation to the employee. (1)

At any time during the trial period, for separation on the basis of conduct or minimally satisfactory performance, the following apply: (2)

- The letter must state the date of separation, which should be no later than the day before the last workday of the trial period,

Separation Letter (F) (continued)

unless specific conditions require the last workday of the trial period to be the date of separation. (a)

- The separation letter also must state the reasons for separation. The degree of specificity demanded by Management Directive (MD) 10.99, “Discipline, Adverse Actions, and Separations,” when taking disciplinary actions is not required when implementing separation of a trial period employee. (b)

- The separation letter must advise the employee of any right to an administrative review described in Section (H) of this part, the time limit for exercising this right, and the name of the reviewing official to whom a request for an administrative review must be addressed. (c)

During the second year of a nonpreference-eligible employee's trial period for separation solely on the basis of unacceptable performance, the following procedural rights must be applied: (3)

- Thirty days' advance written notice of the proposed action that identifies the following: (a)

  – Specific instances of unacceptable performance by the employee on which the proposed action is based (i)

  – The critical elements of the employee's position involved in each instance of unacceptable performance (ii)

- Representation by an attorney or other representative (b)

- A reasonable time to answer orally and in writing (c)

- A written decision that— (d)

Separation Letter (F) (continued)

– In the case of a removal under this section, specifies the instances of unacceptable performance by the employee on which the removal is based (i)

– Unless proposed by the head of the agency, has been concurred in by an employee in a higher position than the employee who proposed the action (ii)

Review and Delivery of the Letter (G)

HR and the Office of the General Counsel must concur in the letter of separation to ensure the propriety and timeliness of the action. For employees of the Office of the Inspector General, counsel to the IG must concur in the letter of separation. (1)

After it is signed, the letter should be delivered personally to the employee. If the letter cannot be delivered personally and mail service is used, the letter should be sent simultaneously by registered mail (return receipt requested) and by first class mail. The use of first class mail should be witnessed by a second person in order to document the action. The letter should normally be delivered 2 weeks before the date of separation, when practicable. However, the employee must receive the letter by the close of business on the day before the last day of the trial period. (2)

Review Within the NRC (H)

This section does not apply to nonpreference-eligible employees separated solely for unacceptable performance during the second year. (1)

Under the Energy Reorganization Act of 1974, certain personnel management provisions of the Atomic Energy Act of 1954 remain

Review Within the NRC (H) (continued)

applicable to the NRC. Section 161.d of the act specifies that adequate provision must be made for administrative review of any determination to dismiss any employee. This review process does not include a hearing. (2)

In cases of separation during the trial period, this review will be the responsibility of the official next in authority over the official who signed the letter of separation, or his or her designee. (3)

Review or appeal of a separation under the following provisions is not authorized since these provisions do not apply during the administrative review of separations of trial period employees. The provisions are the grievance procedures specified in MD 10.101, “Employee Grievances”; the adverse action appeal procedures specified in MD 10.100, “Appeals From Adverse Actions”; and the negotiated grievance procedure. (4)

Request for review of an action to separate an employee during the trial period must be initiated by the employee in writing and received no later than 15 calendar days after the date of the employee's receipt of the letter of separation, unless this time period is extended for reasons acceptable to the reviewing official. (5)

An employee's request for review should include information that the employee believes is sufficient to show that he or she has demonstrated fully successful performance and satisfactory conduct in the position. (6)

The process of review does not require a hearing or the personal appearance of the individual before the reviewing official. (7)

The reviewing official will furnish a written decision to the individual within 15 calendar days after receipt of the request for review, unless this time period is extended for reasons explained to the employee. (8)

Review Within the NRC (H) (continued)

Action to review a separation does not stop the separation action. However, if the reviewing official determines that the separation was unjustified or unwarranted, the individual will be reinstated, with back pay, in accordance with appropriate regulations. (9)

Appeal Under the Equal Employment Opportunity Commission (EEOC) Complaint Procedure (I)

MD 10.161, "Equal Opportunity in Government Employment," provides procedures and time limits for an appeal of termination if it is alleged that the separation action was based on discrimination because of race, color, religion, sex, national origin, physical or mental handicap, or age.

Separation of an Appointee for Unsatisfactory Conduct Before Appointment (J)

If NRC proposes to separate an employee serving a trial period for reasons based in whole or in part on conditions arising before his or her appointment, such as the intentional falsification of application forms or other preappointment documents, the employee must be given a separation letter in accordance with the information contained in Section (F) of this part.

Repayment of Recruitment or Relocation Bonuses (K)

When an employee who is the recipient of a recruitment or relocation bonus is separated during the trial period, repayment of the bonus is governed by MD 10.44, "Relocation Bonus Program," and MD 10.48, "Recruitment Bonus Program."

Repayment of Advances in Pay (L)

When an employee is the recipient of an advance in pay upon appointment and is separated during the trial period, repayment of the advance is governed by MD 10.45, “Advances in Pay.”

Part III
Supervisory or Managerial Trial Period

Intent of Two-Year Trial Period (A)

The first time an NRC employee is appointed to a supervisory or managerial position, he or she is required to complete a 2-year managerial or supervisory trial period. The trial period is the time to provide the opportunity for— (1)

- New supervisors and managers to develop the skills and abilities necessary to effectively supervise or manage the complex programs of the NRC (a)

- The agency to assess the new appointee's supervisory or managerial performance (b)

- New supervisors or managers to determine whether they are suited for such work and to voluntarily move out of the supervisory or managerial position if desired (c)

- The office director or regional administrator to remove the new appointee from the supervisory or managerial position without formal procedures should the employee's supervisory or managerial performance warrant (d)

A "**managerial position**" is one in which the incumbent directs, monitors, and evaluates the work of an organization and is held accountable for the success of its program. A manager normally acts independently of or jointly with higher management— (2)

- In determining program goals and plans, the need for organizational changes, and resource needs and allocation (a)

Intent of Two-Year Trial Period (A) (continued)

- In establishing operating guidelines with consideration for such factors as public, congressional, and labor-management relations, the effect outside the immediate organization, and activities throughout the NRC and in other agencies (b)

A "**supervisory position**" is one in which the incumbent carries out the following duties and responsibilities regarding three or more employees: (3)

- Assigning, directing, and reviewing work (a)
- Planning and carrying out training and development (b)
- Evaluating work performance (c)
- Recommending selections, promotions, awards, disciplinary actions, and separations (d)
- Explaining and gaining the support of employees for management policies and goals (e)
- Working to achieve the objectives of Governmentwide personnel programs and policies (e.g., labor-management relations and equal employment opportunity [EEO]) (f)
- Responding to employee suggestions, complaints, grievances, and other matters involved in day-to-day operations (g)

The initial appointment of all NRC personnel who are not part of the Senior Executive Service to a supervisory or managerial position must have a 2-year trial period. Those who, as of the effective date (August 6, 1996), are serving or have served in a Federal civilian supervisory or managerial position without time limitation or in a time-limited position under an official assignment exceeding 120 days are exempt from the trial period. (4)

Intent of Two-Year Trial Period (A) (continued)

Only one 2-year trial period is required of an employee, whether the first covered appointment is to a supervisory position or to a managerial position. (5)

An employee who was removed from a supervisory or managerial position for failure to satisfactorily complete a 2-year trial period as a supervisor or manager shall be required to repeat the 2-year trial period if reappointed to a supervisory or managerial position. (6)

Trial Period Process (B)

An employee's initial appointment to a supervisory or managerial position becomes final only after he or she successfully completes a period of 2 full calendar years of supervisory or managerial work. (1)

The trial period begins on the effective date of the personnel action that initially appoints the individual to the supervisory or managerial position and ends 2 calendar years later. (2)

During the trial period, the immediate supervisor will develop a performance plan that includes specific criteria related to the employee's supervisory or managerial assignment. These elements of the performance plan will be the basis for determining successful completion of the trial period. (3)

The supervisor and the employee should discuss at appropriate intervals (at a minimum, the first mid-year review and 1-year performance appraisal and the second mid-year review and 2-year appraisal) whether the employee's performance is adequate for continued retention in the supervisory or managerial position, and if not, what improvements are necessary to reach an acceptable level of performance. (4)

Trial Period Process (B) (continued)

During the trial period, the immediate supervisor will assist and encourage the employee in obtaining supervisory or managerial training to enable him or her to fulfill the requirements of the position. (5)

Service creditable toward completion of the managerial or supervisory trial period is determined in the same manner as for the new employee trial period, discussed in Part I of this handbook. (6)

Notification of Not Completing the Trial Period (C)

A personnel representative will contact the immediate supervisor at the beginning of the 18th month of the employee's trial period to discuss whether the employee should be retained in the position. If a decision is reached that the employee should not be retained in the supervisory or managerial position, the immediate supervisor will issue a written statement explaining the recommendation. (1)

If the immediate supervisor is below the office director or regional administrator level, the office director or regional administrator will make the final decision on retaining the employee in the supervisory or managerial position, and will notify the employee and the personnel representative of the final decision. (2)

If an employee serving a trial period chooses to remove himself or herself from the supervisory or managerial position, he or she must provide a written statement to the office director or regional administrator providing the reasons for the decision. (3)

Failure To Complete the Trial Period (D)

Satisfactory completion of the trial period is required for continued service as a supervisor or manager. An employee who, for reasons of supervisory or managerial performance, or at his or her own request, does not satisfactorily complete the trial period will be reassigned to a position of no lower grade and pay than the one he or she left to accept the supervisory or managerial position. The following stipulations also apply: (1)

- A nonsupervisory or nonmanagerial employee who is demoted into a position in which probation is required and who, for reasons of supervisory or managerial performance, does not satisfactorily complete the probationary period, is entitled to be reassigned to a position at the same grade and pay as the position in which he or she was serving probation. (a)

- If the employee is under a service agreement for a relocation bonus paid in connection with a geographic move to the supervisory or managerial position, repayment of the bonus will be on a pro-rata basis determined in accordance with the provisions of Part III of Handbook 10.44, “Relocation Bonus Program.” (b)

- A transferee from another agency will be reassigned to a position within the NRC equal in grade to the position held before selection. (c)

Removal from the supervisory or managerial position because of failure to complete the trial period is not grievable. (2)

Retained grade and pay provisions do not apply. (3)

Exhibit
Coverage and Crediting Service

Situation	Trial Period Required	Conditions Under Which Service Counts or Is Credited
Employee receives an NRC Regular Excepted, Regular Conditional, or Professional Term appointment and—		
Employee transfers from another Federal agency without a break in service and has completed a trial period.	No	Not applicable.
Employee transfers from another Federal agency without a break in service and has not completed a trial period.	Yes	Service was under an appointment that required a trial/probationary period and also meets the same line or work criteria.
Employee has prior Federal employment and a break in service of over 90 calendar days without reinstatement rights.	Yes	None.
Employee has prior Federal employment and a break in service of less than 90 calendar days without reinstatement rights.	Yes	Service was under an appointment that required a trial/probationary period and also meets the same line or work criteria.
Employee is reinstated from a Reemployment Priority List and has completed a trial period.	No	Not applicable.
Employee is reinstated from a Reemployment Priority List and has not completed a trial period.	Yes	All service that previously counted toward completion of the trial/ probationary period at the time of separation is credited.
Employee is converted from an NRC Temporary, Limited, Statutory, or Noncareer Excepted appointment.	Yes	Service meets the same line of work criteria.
Employee has no prior Federal service.	Yes	Not applicable.

Exhibit (continued)

Situation	Trial Period Required	Conditions Under Which Service Counts or Is Credited
Employee is employed under other circumstances.	Decision made on a case-by-case basis by the Chief, Human Resources Services and Operations (HRSO), Office of Human Resources (HR), or a regional HR representative or the Inspector General for employees in his or her office.	Decision is made on a case-by-case basis by the Chief, HRSO or regional HR representative, or the Inspector General for employees in his or her office.
Employee receives a Statutory, Temporary, Limited, or Noncareer Excepted appointment.	No	Not applicable.
Service is interrupted because of an absence in a nonpay status other than an absence because of compensable injury or military duty.		Service is creditable up to a total of 22 workdays. Any nonpay time in excess of the total of 22 workdays extends the trial period by an equal amount.
Service is interrupted because of an absence (whether on or off the rolls), which is due to compensable injury or military duty, from which the employee is entitled to restoration rights or priority consideration.		Service is creditable in full.
Former NRC or Federal employees with reinstatement eligibility for NRC Regular (Excepted) or NRC Regular (Excepted) (Conditional) appointments who are appointed and—		

Exhibit (continued)

Situation	Trial Period Required	Conditions Under Which Service Counts or Is Credited
Have successfully completed a trial or probationary period in their previous NRC or Federal appointment.	No	When a trial or probationary period was successfully completed before the new NRC appointment, a new trial period does not have to be served as long as performance during that trial period was at the fully successful level or equivalent.
Have not completed a trial or probationary period requirement previously.	Yes	Time spent during the previous probationary or trial period is creditable toward completion of the 2-year trial period as long as performance during that time was at the fully successful level or equivalent.