



The Director

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

MEMORANDUM

TO: Heads and Acting Heads of Departments and Agencies

FROM: Charles Ezell, Acting Director, U.S. Office of Personnel Management

DATE: April 28, 2025

RE: Initial Guidance on President Trump's Executive Order *Strengthening Probationary Periods in the Federal Service*

On April 24, 2025, President Trump signed an Executive Order (EO) entitled [*Strengthening Probationary Periods in the Federal Service*](#). The EO establishes rules and policies for managing probationary and trial periods across both the competitive and excepted services. In doing so, it draws on the President's longstanding authority to create new Civil Service Rules governing probationary periods in the Federal service. *See* 5 U.S.C. § 3321.

The EO underscores the expectation of a high-performing Federal workforce and affirms the principle that continued employment in the Federal service must advance the interests of the Federal Government and the American people. It also removes inappropriate regulatory barriers that inhibited agencies from fully utilizing probationary periods. In doing so, the EO fulfills Congress's intention in the Civil Service Reform Act of 1978 (CSRA) that probationary periods be used as "an extension of the examining process to determine an employee's ability to actually perform the duties of the position." S. Rep. 95-969, at 45 (1978), 1978 U.S.C.C.A.N. 2723, 2767. In passing the CSRA, Congress believed "[i]t is inappropriate to restrict an agency's authority to separate an employee who does not perform acceptably during this period," *id.*, and thus the EO removes such restrictions.

The EO:

- Amends Civil Service Rule 2 by repealing Section 2.4 (5 CFR § 2.4);
- Renders inoperative subpart H of part 315, Code of Federal Regulations, which had previously governed probationary periods in the competitive service;
- Establishes a new rule, Civil Service Rule XI (5 CFR part 11), which governs probationary and trial periods in both the competitive and excepted services;
- Authorizes the Director of the U.S. Office of Personnel Management (OPM) to issue regulations that prescribe the circumstances and procedures associated with an employee's ability to appeal a termination during a probationary or trial period; and
- Provides procedures for agencies to follow in evaluating probationary or trial period employees.

OPM is providing initial guidance to agencies on the EO, new Civil Service Rule 11, and probationary and trial periods in the Federal service.

I. Repeal of Current Probationary Period Regulations

Section 2 of the EO repeals Civil Service Rule 2.4, nullifying the provisions governing probationary periods in the competitive service. Section 4 of the EO immediately renders 5 CFR 315, Subpart H inoperative. There is no longer a requirement that the employing agency provide a terminated probationer with “the agency’s conclusions as to the inadequacies of his performance or conduct,” as set forth in the now-inoperative 5 CFR § 315.804(a). Further, the requirements for notifying competitive service probationary employees of the reasons for a proposed adverse action when it is based on pre-appointment conditions set forth in 5 CFR § 315.805 are also rendered inoperative. For further clarification and guidance on implementation, please refer to Appendix A, which contains a comprehensive set of questions and answers.

II. Revised Standards for Probationary or Trial Periods

In addition to the general requirements above, section 5 of the EO and Civil Service Rule 11.5 set forth actions to be taken by agencies for employees whose probationary or trial period ends on July 23, 2025 or later. For such an employee’s appointment to be finalized, and thus for the employee to remain employed with the agency beyond the probationary or trial period, the agency head or designee must affirmatively certify, within 30 days prior to the end of the probationary or trial period, that such individual’s continued employment would benefit the Federal service. Appendix B provides a sample template for making this certification. In determining whether to make this certification, the agency head, or designee, may consider, in his or her sole and exclusive discretion: employee’s performance and/or conduct; the needs and interests of the agency; whether the employee’s continued employment would advance organizational goals of the agency or the Government; and whether the employee’s continued employment would advance the efficiency of the Federal service. If an agency fails to make this certification due to administrative error, the head of an agency may petition the Director of OPM within 30 days of the termination to reinstate the employee.

If an agency decides not to certify continued employment or otherwise to terminate employment, the agency must notify the employee, in writing, of the termination’s effective date. A copy of the termination letter must be placed in the employee’s electronic official personnel file. A sample template for this notice is at Appendix E.

In addition, agencies must take the following actions regarding employees whose probationary or trial period ends on July 23, 2025 or later:

- Within 15 days of the effective date of the EO, the agency must identify the employees on probationary periods or trial periods that end 90 days or more from the date of the order (i.e., on July 23, 2025, or later).
- The agency must designate in writing, the individuals responsible for evaluating the continued employment of probationary/trial period employees.

- To the extent practicable, the agency designee should meet with each probationary or trial period employee at least 60 days prior to the end of their probationary or trial periods to discuss performance and conduct, if continued employment advances public interest, needs of the agency, organizational goals, and efficiency of the service.
- The agency designee must determine, within 30 days prior to the end of each employee's probationary or trial period, if the employee's appointment should be finalized or terminated.
- The agency must certify, in writing, the decision that an individual's continued employment will advance public interest under the criteria set forth in Civil Service Rule 11.5(d). *See* Appendices B and C.

Agencies must submit an initial report detailing their plans for implementation of the EO, including 1) the agency's plan for implementing the certification requirement, 2) the agency's plan to train supervisors and Human Resources practitioners on the EO's requirements, and 3) the agency's progress towards fulfilling the steps set forth in Section 5 of the EO (such as appointing designees), to employ@opm.gov by May 16, 2025.

For additional information, agency headquarters-level human resources offices may contact OPM at employ@opm.gov. Component-level human resources offices must contact their agency headquarters for assistance.

cc: Chief Human Capital Officers (CHCOs), Deputy CHCOs, Human Resources Directors, Chiefs of Staff

Attachments:

- Appendix A: Questions and Answers on the New Probationary and Trial Period Requirements
- Appendix B: Sample Certification Determination Notice
- Appendix C: Sample Certification Notification to Employee
- Appendix D: Sample Petition to the Director of OPM to Reinstate an Employee
- Appendix E: Sample Notice to Probationary and Trial Employee of Termination Date
- Appendix F: New Civil Service Rule XI Created by *Strengthening Probationary Periods in the Federal Service*

Appendix A: Q&As on the New Probationary Requirements under the President's EO titled, "*Strengthening Probationary Periods in the Federal Service*"

Question: What are the key policies regarding probationary and trial periods set forth in the Executive Order?

Answer: Agencies are to use probationary and trial periods as an extension of the hiring process that requires agency certification before employees continue their Federal employment beyond the probationary or trial period.

Some key changes include:

- 5 CFR 315, Subpart H is rendered inoperative. There is no longer a requirement that the employing agency provide a terminated probationer with "the agency's conclusions as to the inadequacies of his performance or conduct," as set forth in the now-repealed 5 CFR § 315.804(a). Agencies may decide not to finalize a probationer's employment for reasons unrelated to their personal performance or conduct, such as the operational needs of the agency.
- Further, the requirements for notifying competitive service probationary employees of the reasons for a proposed adverse action when it is based on pre-appointment conditions set forth in 5 CFR § 315.805 are similarly inoperative.
- Agencies should consider four factors to assess an employee's fitness for continued employment in the civil service, in their sole and exclusive discretion: the employee's performance and/or conduct; the needs and interests of the agency; whether the employee's continued employment would advance organizational goals of the agency or the Government; and whether the employee's continued employment would advance the efficiency of the service.
- If an agency fails to make this certification due to administrative error, the head of an agency may petition the Director of OPM within 30 days of the termination to reinstate the employee.
- The EO removes Merit Systems Protection Board (MSPB) jurisdiction to adjudicate terminated probationary employees' appeals, while allowing the OPM Director to set forth by regulation appeals procedures for terminated probationary or trial period employees.

Question: Do the current probationary period regulations remain in effect until OPM finalizes the regulation rescinding subpart H of part 315?

Answer: No. The EO immediately superseded part 315, subpart H, as of the date the EO is issued. Thus, when terminating a probationary or trial period employee, agencies are no longer required to provide notice that his or her unsatisfactory performance or conduct is the basis for the termination, or written notice "specifically and in detail" for the proposed action when the termination is based, in whole or part, on conditions arising before appointment.

Question: If the EO rescinds subpart H of part 315, will OPM provide new processing codes for documenting terminations during probationary or trial periods?

Answer: Yes, however, establishing new processing codes takes time. Until new codes have been established, agencies should document terminations using Rule 66 of Table 31-B in Chapter 31 of the Guide to Processing Personnel Actions. The Authority Code agencies should use is ZLM,

citing Executive Order “Strengthening Probationary Periods in the Federal Service” as the Authority, and using Remark Code S48 to include “Termination under Executive Order ‘Strengthening Probationary Periods in the Federal Service’ as part of the agency’s stated reason.” The use of the ZLM code will ensure that probationary or trial period terminations are not coded as being based on performance or conduct.

Question: Do the new probationary/trial period requirements apply to current employees?

Answer: Yes. However, sections 5(b) through 5(d) of the EO and Civil Service Rules 11.5 provide specific instructions for the application of the new requirements to current employees on probationary or trial periods.

Question: The EO establishes a trial period for employees in the excepted service. Is this a new requirement?

Answer: Agencies have had discretionary authority to establish trial (or probationary) periods for positions in the excepted service, unless otherwise required by statute or executive order. This EO now requires trial periods for the excepted service and sets the standards for those periods.

Question: Will OPM issue regulations to implement the requirements of the new EO?

Answer: OPM will issue regulations to rescind subpart H of part 315, Code of Federal Regulations within 30 days of the effective date of the EO. However, the provisions of the new EO are self-executing. OPM may issue additional regulations setting forth appeal rights and procedures for terminated probationary/trial period employees.

Question: How will a probationary or trial period employee demonstrate their continuation of employment is in the public interest?

Answer: As directed in the Executive Order, agencies should consider the four factors enumerated in Civil Service Rule 11.5(d), in their sole and exclusive discretion: an employee’s performance and conduct; needs and interests of the agency; whether the employee’s continued employment would advance organizational goals of the agency or the Government; and whether the employee’s continued employment would advance the efficiency of the service.

Employees serving a probationary or trial period should take every opportunity to demonstrate their fitness and qualifications through sustained high performance, good conduct, and meaningful contribution to their agency’s mission. However, the ultimate determination as to whether the probationary or trial period employee’s appointment to the Federal service will be finalized rests with the discretion of the agency, as Congress intended when it passed the CSRA.

Question: Will OPM create a template for agencies to use to certify continued employment advances the public interest?

Answer: Yes, see the template at Appendix C for agencies’ consideration. Agencies have the discretion to utilize another format to fit their needs.

Question: What are the procedures for an agency to petition the Director of OPM to reinstate an employee terminated where an agency failed to certify the employee for continued employee in the federal service?

Answer: If an agency terminates an employee at the end of the probationary or trial period because of an administrative error in certifying the employee for continued employment in the federal service, the agency should submit a statement, along with any appropriate documentation, to the Director of OPM at probationaryappeal@opm.gov explaining why it failed to certify continued employment of the employee and why reinstatement meets the requirements of Civil Service Rule 11.5(d) as established by the Executive Order. The agency may choose to keep the probationary or trial period employee in a duty status during the pendency of any such appeal.

Question: Are agencies required to communicate these new probationary period/trial period requirements to individuals being considered for hiring and employment? If so, how should agencies communicate these new requirements?

Answer: Agencies should communicate these requirements, in writing, directly to the individuals being considered for positions within your agency. Agencies should use existing methods for communicating with candidates being considered for employment. OPM will develop and publish additional guidance and language for inclusion in job announcements and a sample template that can be used in onboarding documentation.

Question: Should agencies communicate these new probationary period/trial period requirements to current employees on probationary/trial periods?

Answer: Yes, agencies should communicate any changes and new agency procedures to current employees serving probationary/trial periods. Additionally, agencies should inform supervisors, managers, and human resources practitioners of these policy and process changes and their roles and responsibilities in executing these provisions.

Appendix B: Sample Notification to Certify an Employee's Appointment Advances the Public Interest

Agency Certification for Continued Employment Civil Service Rule 11.5	
Name of Certifying Official:	
Official Title:	
Certification for Continued Employment:	<p>[Provide Justification or The Following Statement]</p> <p>[Insert Employee Name] has demonstrated the knowledge, skills, and competence to perform the duties of [Position]. Further, finalizing the appointment of [Insert Employee Name] advances the public interest, the organizational goals and mission of (Insert Agency Name), and the efficiency of the service. [Insert Employee Name] has demonstrated [his or her] continued employment with the Federal government is in the public interest. [Insert any additional information, as applicable]</p>
Signature:	
Date:	

Receipt Acknowledged by Employee:

Date: _____

Signature: _____

Print Name: _____

**Appendix C: Sample Notification to Employee to Certify an Employee's Appointment
Advances the Public Interest**

Subject: Certification of Continued Employment under Section 11.5 of Executive Order XX

[Employee Name]
[Employee Identifying Number]
[Mailing Address]

This document serves as certification that the continued employment of [Insert Employee Name] advances the public interest, the organizational goals and mission of (Insert Agency Name), and the efficiency of the service. (Insert Employee Name] has demonstrated [his or her] continued employment with the Federal government is in the public interest. [Insert any additional information, as applicable].

Certification by Agency Official:

Signature: _____

Name of Agency Official: _____

Title: _____

Date: _____

Receipt Acknowledged by Employee:

Date: _____

Signature: _____

Print Name: _____

Appendix D: Sample Petition to the Director of OPM to Reinstate an Employee

Subject: Petition to Reinstate Former [Agency Name] Employee under Civil Service Rule 11.5(f)

[Former Employee Name]

[Employing Organization, Position Title, PP-SRS-GR]

[Employee Identifying Number] (do not use Social Security Numbers)

[Mailing Address]

[Date of Termination]

The [Agency Name] requests that the Director of the Office of Personnel Management grant this petition to reinstate [Former Employee Name], [Former Employee's Title]

[Insert Certification Justification]

Appendix E: Sample Termination Notice to Probationary/Trial Employee

Subject: Termination Notice

[Employee Name]

[Employee Identifying Number]

[Mailing Address]

This document serves as notice that (Insert Agency Name) has decided not to certify your continued employment with (Insert Agency Name). Your effective termination date will be (Insert Date). A copy of this letter will be placed in your electronic official personnel file. [Insert any additional information, as applicable. This may be an opportunity to insert any HR contacts about benefits, return of equipment, etc.].

Agency Official:

Signature: _____

Name of Agency Official: _____

Title: _____

Date: _____

Receipt Acknowledged by Employee:

Date: _____

Signature: _____

Print Name: _____

**Appendix F: New Civil Service Rule XI Created by
*Strengthening Probationary Periods in the Federal Service***

PART 11—Probationary and Trial Periods (Rule XI)

Sec.

11.1 Scope

11.2 Probationary Period; When Required

11.3 Trial Period; When Required

11.4 Crediting Service

11.5 Completion of Probationary or Trial Period

11.6 Appeals

§ 11.1 Scope

This rule applies to probationary periods in the competitive service and trial periods in the excepted service, except where provided otherwise by statute. It has no application to probationary periods in the Senior Executive Service.

§ 11.2 Probationary Period; When Required

(a) The first year of service of an employee who is given a career or career-conditional appointment in the competitive service under the Civil Service Regulations is a probationary period when the employee:

(1) Was appointed from a competitive list of eligibles.

(2) Was reinstated (including reinstatement from a Reinstatement Priority List), unless during any period of service that affords a current basis for reinstatement the employee completed a probationary period of at least 1 year or served with competitive status under an appointment that did not require a probationary period; provided that the date of reinstatement begins a new 12-month probationary period if one is required under paragraph (a) of this section.

(b) A person who is required to go through a probationary period and then is transferred, promoted, demoted, or reassigned in accordance with the Civil Service Regulations before he or she completes such period is required to complete the remainder of the probationary period in the new position.

(c) Upon noncompetitive appointment to the competitive service under the Postal Reorganization Act (39 U.S.C. 101 *et seq.*), an employee of the Postal Career Service (including a substitute or part-time flexible employee) who has not completed 1 year of Postal service must serve the remainder of a 1-year probationary period in the new agency.

(d) A person who is appointed to the competitive service either by a special appointing authority or by conversion to a career or career-conditional appointment under the Civil Service Regulations must serve a 1-year probationary period unless specifically exempt from such period by the special appointing authority itself.

(e) Employees promoted, transferred, or otherwise assigned, for the first time, to supervisory or managerial positions shall be required to serve a probationary period under terms and conditions prescribed by the Office of Personnel Management (OPM). If an employee is required to concurrently serve both a probationary period in a supervisory or managerial position under 5 C.F.R. part 315, subpart I, and a probationary or trial period following initial appointment or reinstatement under this Civil Service Rule, the latter takes precedence and fulfills the requirements of this paragraph.

§ 11.3 Trial Period; When Required

(a) The first year of continuous service in the same or similar position of a preference eligible in the excepted service, or the first 2 years of continuous service in the same or similar position of an individual in the excepted service (other than a preference eligible), is a trial period.

(b) A person who is required to go through a trial period and is transferred, promoted, demoted, or reassigned before he or she completes the trial period is required to complete the remainder of the trial period in the new position.

(c) An individual who separates from the Federal service for a period of more than 30 days after completing a trial period, and who subsequently is reappointed to an excepted service position, must complete a new trial period unless such individual is appointed to the same or a substantially similar position in the same agency as their most recently held position.

§ 11.4 Crediting Service

(a) Prior Federal civilian service (including nonappropriated fund service) counts toward completion of a probationary or trial period, as applicable, when the prior service:

- (1) Is in the same agency, e.g., Department of the Army;
- (2) Is in the same line of work, as 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.

(b) Periods of absence while in a pay status count toward completion of a probationary or trial period. Absence in nonpay status while on the rolls (other than for compensable injury or military duty) is creditable up to a total of 22 workdays. Absence (whether on or off the rolls) due to compensable injury or military duty is creditable in full upon restoration to Federal service. Nonpay time in excess of 22 workdays extends the probationary period or trial period by an equal amount.

(c) The probationary or trial period for part-time employees is computed on the basis of calendar time, in the same manner as for full-time employees. For intermittent employees, i.e., those who do not have regularly scheduled tours of duty, each day or part of a day in pay status counts as one day of credit toward the 260 days or 520 days, as applicable, in a pay status required for completion of a probationary or trial period. Under no circumstances shall the probationary or trial period be completed in less than 1 year of calendar time.

§ 11.5 Completion of Probationary or Trial Period

(a) Agencies shall utilize probationary and trial periods required upon initial appointment or subsequent reinstatement to evaluate employees' fitness and whether their continuation of employment advances the public interest. If not terminated sooner, an employee's service terminates before the end of the tour of duty on the last day of their probationary or trial period unless their agency certifies within the 30 days prior to that date that finalizing their appointment advances the public interest.

(b) A probationary or trial period ends when the employee completes his or her scheduled tour of duty on the day before the anniversary date (or, as applicable, 2-year anniversary date) of the employee's appointment. For example, when the last workday is a Friday and the anniversary date is the following Monday, a probationer will be separated before the end of the tour of duty on Friday if their agency does not make the requisite certification that their continued appointment advances the public interest.

(c) An employee on a probationary or trial period bears the burden of demonstrating why their continuation in employment through the finalization of their appointment to the Federal service is in the public interest.

(d) In determining whether it is in the public interest to finalize the appointment to the Federal service of an employee in a probationary or trial period, the agency head, or his or her designee, may consider, in his or her sole and exclusive discretion:

- (1) the employee's performance and conduct;
- (2) the needs and interests of the agency;
- (3) whether the employee's continued employment would advance organizational goals of the agency or the Government; and
- (4) whether the employee's continued employment would advance the efficiency of the service.

(e) Before an agency terminates the service of an employee serving a probationary or trial period, it shall notify such employee in writing as to the effective date of the action.

(f) If an agency fails to make a certification under Civil Service Rule 11.5 due to an administrative error, the agency head may petition the Director of OPM within 30 days from the date of termination to reinstate the employee.

(g) This section shall not apply to an employee serving a probationary period due to being promoted, transferred, or otherwise assigned, for the first time, to a supervisory or managerial position, unless such employee is required to concurrently serve both a probationary period in a supervisory or managerial position and a probationary or trial period following initial appointment or reinstatement under this Civil Service Rule.

§ 11.6 Appeals

(a) The Director of OPM may by regulation prescribe circumstances under and procedures by which employees terminated from a probationary or trial period may appeal such termination.

(b) Except as otherwise required by law, such appeals shall be the sole and exclusive means of appealing terminations during probationary or trial periods.”