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112TH CONGRESS
1ST SESSION

H. R. 1470

To amend title 5, United States Code, to extend the probationary period applicable to appointments in the civil service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2011

Mr. ROSS of Florida introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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A BILL

To amend title 5, United States Code, to extend the probationary period applicable to appointments in the civil service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROVISIONS RELATING TO PROBATIONARY PERIODS.

(a) IN GENERAL.—Section 3321 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''The President'' and inserting ''Subject to subsections (c) through (e), the President'';

(2) by redesignating subsection (c) as subsection (f); and

(3) by inserting after subsection (b) the following:

''(c) The length of a probationary period under paragraph (1) or (2) of subsection (a), established by rule, regulation, or other action of the President, shall be not less than 2 years.

''(d)(1) For purposes of any probationary period (as described in subsection (a)(1)), an employee who is transferred, promoted, demoted, reassigned, or otherwise appointed to a new position, whether before or after completing a probationary period (as so described) in a previous position and whether or not in the same agency, shall be required to satisfy the probationary period (as so described) which applies to the new position.

''(2) An employee shall not, for purposes of this subsection, receive credit for any probationary period completed, or for any service performed toward completing a probationary period, in any other position.

''(e) The head of each agency shall, in the administration of this section, take appropriate measures to ensure that—

''(1) any announcement of a vacant position within such agency and any offer of appointment

made to any individual with respect to any such position shall clearly state the terms and conditions of the probationary period applicable to such position;

''(2) any individual who is required to complete a probationary period under this section shall receive timely notice of the performance and other requirements which must be met in order to successfully complete the probationary period; and

''(3) upon successful completion of a probationary period under this section, certification to that effect shall be made, supported by a brief statement of the basis for that certification, in such form and manner as the President may by regulation prescribe.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 3321(f) of title 5, United States Code (as so redesignated by subsection (a)(2)), is amended by striking ''Subsections (a) and (b) of this section'' and inserting ''This section''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section—

(1) shall take effect 180 days after the date of enactment of this Act; and

(2) shall apply in the case of any appointment (as referred to in section 3321(a)(1) of title 5,

United States Code) and any initial appointment (as referred to in section 3321(a)(2) of such title 5) taking effect on or after the date on which this section takes effect.

SEC. 2. APPEALS FROM ADVERSE ACTIONS.

(a) IN GENERAL.—Section 7501(1) of title 5, United States Code, is amended—

(1) by striking ''1 year'' the first place it appears and inserting ''not less than 2 years''; and

(2) by striking ''1 year'' the second place it appears and inserting ''2 years''.

(b) PREFERENCE ELIGIBLE.—Section 7511(a)(1) of title 5, United States Code, is amended—

(1) in subparagraph (A)(ii), by striking ''1 year'' the first place it appears and inserting ''not less than 2 years'';

(2) in subparagraph (B), by striking ''1 year'' and inserting ''not less than 2 years''; and

(3) in subparagraph (C)(ii), by striking ''2 years'' in the first place it appears and inserting ''not less than 2 years''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section—

(1) shall take effect 180 days after the date of enactment of this Act; and

(2) shall apply in the case of any individual whose period of continuous service (as referred to in the provision of law amended by paragraphs (1), (2), or (3) of subsection (b), as the case may be) commences on or after the date on which this section takes effect.

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