114TH CONGRESS
1ST SESSION
H. R. 3023

To amend title 5, United States Code, to modify probationary periods with respect to positions within the competitive service and the Senior Executive Service, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2015

Mr. BUCK 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 modify probationary periods with respect to positions within the competitive service and the Senior Executive Service, and for other purposes.

1   *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. EXTENSION OF PROBATIONARY PERIOD FOR**

4   **POSITIONS WITHIN THE COMPETITIVE SERV-**

5   **ICE.**

6   (a) IN GENERAL.—Section 3321 of title 5, United

7 States Code, is amended—

1   (1) in subsection (a), by striking "The Presi-
2   dent" and inserting "Subject to subsections (c) and
3   (d), the President";

4   (2) by redesignating subsection (c) as sub-
5   section (e); and

6   (3) by inserting after subsection (b) the fol-
7   lowing:

8   "(c)(1) Except as provided in paragraph (2), the
9 length of a probationary period established under para-
10 graph (1) or (2) of subsection (a) shall be—

11   "(A) with respect to any position that requires
12   formal training, a period of 2 years beginning on the
13   date that such formal training is completed;

14   "(B) with respect to any position that requires
15   a license, a period of 2 years beginning on the date
16   that such license is granted; and

17   "(C) with respect to any position not covered by
18   subparagraph (A) or (B), not less than 2 years.

19   "(2) The length of a probationary period established
20 under paragraph (1) or (2) of subsection (a) in the case
21 of a preference eligible shall be not longer than—

22   "(A) if the appointment (as referred to in sub-
23   section (a)(1)) or the initial appointment (as re-
24   ferred to in subsection (a)(2)) is to a position that
25   exists on the effective date of this subsection, the

1 length of the probationary period which applies to
2 such position as of such effective date; or
3 “(B) if the appointment (as referred to in sub-
4 section (a)(1)) or the initial appointment (as re-
5 ferred to in subsection (a)(2)) is to a position that
6 does not exist on the effective date of this sub-
7 section, such length of time as the President may es-
8 tablish, consistent with the purposes of this subpara-
9 graph.
10 “(3) In paragraph (1)—
11 “(A) the term 'formal training' means, with re-
12 spect to any position, a training program required
13 by law, rule, or regulation, or otherwise required by
14 the employing agency, to be completed by the em-
15 ployee before the employee is able to successfully
16 execute the duties of the applicable position; and
17 “(B) the term 'license' means a license, certifi-
18 cation, or other grant of permission to engage in a
19 particular activity.
20 “(d) The head of each agency shall, in the adminis-
21 tration of this section, take appropriate measures to en-
22 sure that—
23 “(1) any announcement of a vacant position
24 within such agency and any offer of appointment
25 made to any individual with respect to any such po-

1 sition shall clearly state the terms and conditions of

2 the probationary period applicable to such position;

3 "(2) any individual who is required to complete

4 a probationary period under this section shall receive

5 timely notice of the performance and other require-

6 ments which must be met in order to successfully

7 complete the probationary period; and

8 "(3) upon successful completion of a proba-

9 tionary period under this section, certification to

10 that effect shall be made, supported by a brief state-

11 ment of the basis for that certification, in such form

12 and manner as the President may by regulation pre-

13 scribe.".

14 (b) TECHNICAL AMENDMENT.—Section 3321(e) of

15 title 5, United States Code (as so redesignated by sub-

16 section (a)(2)) is amended by striking "Subsections (a)

17 and (b)" and inserting "Subsections (a) through (d)".

18 (c) EFFECTIVE DATE.—This section and the amend-

19 ments made by this section—

20 (1) shall take effect 180 days after the date of

21 enactment of this Act; and

22 (2) shall apply in the case of any appointment

23 (as referred to in section 3321(a)(1) of title 5,

24 United States Code) and any initial appointment (as

25 referred to in section 3321(a)(2) of such title) tak-

1 ing effect on or after the date on which this section

2 takes effect.

SEC. 2. EXTENSION OF PROBATIONARY PERIOD FOR POSI-

TIONS WITHIN THE SENIOR EXECUTIVE

SERVICE .

6 (a) IN GENERAL.—Section 3393(d) of title 5, United

7 States Code, is amended by striking "1-year" and insert-

8 ing "2-year".

9 (b) CONFORMING AMENDMENT.—Section 3592(a)(1)

10 of such title is amended by striking "1-year" and inserting

11 "2-year".

SEC. 3. APPEALS FROM ADVERSE ACTIONS.

13 (a) SUBCHAPTER I OF CHAPTER 75 OF TITLE 5.—

14 Section 7501(1) of title 5, United States Code, is amend-

15 ed—

16 (1) by striking "1 year" the first place it ap-

17 pears and inserting "not less than 2 years"; and

18 (2) by striking "1 year" the second place it ap-

19 pears and inserting "2 years".

20 (b) SUBCHAPTER II OF CHAPTER 75 OF TITLE 5.—

21 Section 7511(a)(1) of title 5, United States Code, is

22 amended—

23 (1) in subparagraph (A)(ii), by striking "1

24 year" the first place it appears and inserting "not

25 less than 2 years"; and

1   (2) in subparagraph (C)(ii), by striking ''2

2 years'' the first place it appears and inserting ''not

3 less than 2 years''.

4 (c) EFFECTIVE DATE.—The amendments made by

5 subsections (a) and (b)—

6   (1) shall take effect 180 days after the date of

7 enactment of this Act; and

8   (2) shall apply in the case of any individual

9 whose period of continuous service (as referred to in

10 the provision of law amended by paragraph (1) or

11 (2) of subsection (b), as the case may be) com-

12 mences on or after the date on which this section

13 takes effect.

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