

Union Calendar No. 358

114TH CONGRESS
2^D SESSION

H. R. 3023

[Report No. 114-472]

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.

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

MARCH 23, 2016

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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—

8 (1) in subsection (a), by striking “The Presi-
9 dent” and inserting “Subject to subsections (c) and
10 (d), the President”;

11 (2) by redesignating subsection (c) as sub-
12 section (e); and

13 (3) by inserting after subsection (b) the fol-
14 lowing:

15 “(c)(1) Except as provided in paragraph (2), the
16 length of a probationary period established under para-
17 graph (1) or (2) of subsection (a) shall be—

18 “(A) with respect to any position that requires
19 formal training, a period of 2 years beginning on the
20 date that such formal training is completed;

21 “(B) with respect to any position that requires
22 a license, a period of 2 years beginning on the date
23 that such license is granted; and

24 “(C) with respect to any position not covered by
25 subparagraph (A) or (B), not less than 2 years.

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

4 “(A) if the appointment (as referred to in sub-
5 section (a)(1)) or the initial appointment (as re-
6 ferred to in subsection (a)(2)) is to a position that
7 exists on the effective date of this subsection, the
8 length of the probationary period which applies to
9 such position as of such effective date; or

10 “(B) if the appointment (as referred to in sub-
11 section (a)(1)) or the initial appointment (as re-
12 ferred to in subsection (a)(2)) is to a position that
13 does not exist on the effective date of this sub-
14 section, such length of time as the President may es-
15 tablish, consistent with the purposes of this subpara-
16 graph.

17 “(3) In paragraph (1)—

18 “(A) the term ‘formal training’ means, with re-
19 spect to any position, a training program required
20 by law, rule, or regulation, or otherwise required by
21 the employing agency, to be completed by the em-
22 ployee before the employee is able to successfully
23 execute the duties of the applicable position; and

1 “(B) the term ‘license’ means a license, certifi-
2 cation, or other grant of permission to engage in a
3 particular activity.

4 “(d) The head of each agency shall, in the adminis-
5 tration of this section, take appropriate measures to en-
6 sure that—

7 “(1) any announcement of a vacant position
8 within such agency and any offer of appointment
9 made to any individual with respect to any such po-
10 sition shall clearly state the terms and conditions of
11 the probationary period applicable to such position;

12 “(2) any individual who is required to complete
13 a probationary period under this section shall receive
14 timely notice of the performance and other require-
15 ments which must be met in order to successfully
16 complete the probationary period; and

17 “(3) upon successful completion of a proba-
18 tionary period under this section, certification to
19 that effect shall be made, supported by a brief state-
20 ment of the basis for that certification, in such form
21 and manner as the President may by regulation pre-
22 scribe.”.

23 (b) TECHNICAL AMENDMENT.—Section 3321(e) of
24 title 5, United States Code (as so redesignated by sub-

1 section (a)(2)) is amended by striking “Subsections (a)
2 and (b)” and inserting “Subsections (a) through (d)”.

3 (c) EFFECTIVE DATE.—This section and the amend-
4 ments made by this section—

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

7 (2) shall apply in the case of any appointment
8 (as referred to in section 3321(a)(1) of title 5,
9 United States Code) and any initial appointment (as
10 referred to in section 3321(a)(2) of such title) tak-
11 ing effect on or after the date on which this section
12 takes effect.

13 **SEC. 2. EXTENSION OF PROBATIONARY PERIOD FOR POSI-**
14 **TIONS WITHIN THE SENIOR EXECUTIVE**
15 **SERVICE .**

16 (a) IN GENERAL.—Section 3393(d) of title 5, United
17 States Code, is amended by striking “1-year” and insert-
18 ing “2-year”.

19 (b) CONFORMING AMENDMENT.—Section 3592(a)(1)
20 of such title is amended by striking “1-year” and inserting
21 “2-year”.

22 **SEC. 3. APPEALS FROM ADVERSE ACTIONS.**

23 (a) SUBCHAPTER I OF CHAPTER 75 OF TITLE 5.—
24 Section 7501(1) of title 5, United States Code, is amend-
25 ed—

1 (1) by striking “1 year” the first place it ap-
2 pears and inserting “not less than 2 years”; and

3 (2) by striking “1 year” the second place it ap-
4 pears and inserting “2 years”.

5 (b) SUBCHAPTER II OF CHAPTER 75 OF TITLE 5.—
6 Section 7511(a)(1) of title 5, United States Code, is
7 amended—

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

11 (2) in subparagraph (C)(ii), by striking “2
12 years” the first place it appears and inserting “not
13 less than 2 years”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 subsections (a) and (b)—

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

18 (2) shall apply in the case of any individual
19 whose period of continuous service (as referred to in
20 the provision of law amended by paragraph (1) or
21 (2) of subsection (b), as the case may be) com-
22 mences on or after the date on which this section
23 takes effect.

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