



*To enhance mission performance, TSA is committed to promoting a culture founded on its values of Integrity, Innovation and Team Spirit.*

*NOTE: Pursuant to Section 101 of the Aviation and Transportation Security Act (49 U.S. C. 114(n)), this directive, and all related Handbooks, Attachments, and Appendices establish Transportation Security Administration (TSA) policy and supersedes the Federal Aviation Administration (FAA) orders, policies, guidance, and bulletins regarding trial periods issued under the FAA Personnel Management System. This directive is TSA policy and must be applied accordingly.*

**REVISION:** This revised directive supersedes TSA MD 1100.31-1, *Trial Periods*, dated March 29, 2005.

**SUMMARY OF CHANGES:** Section 4, Definitions, has been expanded; the trial period for TSOs who have preference eligible status has been revised; and information on prior credit service outside TSA has been added.

1. **PURPOSE:** This directive establishes TSA policy and procedures for the basic trial period and the supervisory trial period.
2. **SCOPE:** This directive applies to all TSA employees and all organizational elements except Transportation Senior Executive Service (TSES) employees and political appointees, which are covered by [TSA MD 1100.30-24, \*Transportation Security Executive Service Program\*](#), and [TSA MD 1100.30-22, \*Political Appointees\*](#), respectively.
3. **AUTHORITY:** The Aviation and Transportation Security Act, Pub. L. 107-71 (ATSA).
4. **DEFINITIONS:**
  - A. **Basic Trial Period:** A period of time during which a supervisor monitors a new employee's performance and conduct to ensure his/her performance and conduct are at a sufficient level for continued employment.
  - B. **Break In Service:** A period of time during which an employee is no longer on the rolls of TSA. For purposes of this directive, a break in service is a separation from Federal employment of more than three calendar days.
  - C. **Federal Employment:** Service in a permanent (not temporary or time limited) position within any Federal agency which includes Executive agencies under the provisions of 5 U.S.C. § 105, the United States Postal Service, or the Postal Rate Commission.
  - D. **Veterans' Preference Eligible:** An individual who meets the requirements for veterans' preference as defined in 5 U.S.C. § 2108.
  - E. **Positions in the Same or Similar Line of Work:** Positions that would be classified in the same occupational series and require substantially the same or similar qualifications. If the difference between the positions is that one has supervisory responsibilities, or is performed with more or less independence, but the positions otherwise require substantially the same or similar

qualifications, the positions are in the same or similar line of work.

- F. Probationary Period: A period in the competitive service that is equivalent to TSA's trial period.
- G. Supervisory Position: A position, including managerial position that involves the accomplishment of work through at least one subordinate employee or directs the work of an organizational unit, but does not include TSES positions. For purposes of this directive, a team or work leader, such as a Lead Transportation Security Officer (TSO), is not considered a supervisor.
- H. Supervisory Trial Period: A period of time a new supervisor's performance and conduct are monitored to ensure his/her performance and conduct are at a sufficient level for continued employment in the supervisory position.

## 5. RESPONSIBILITIES:

- A. The Office of Human Capital (OHC) is responsible for:
  - (1) Determining at the time of appointment, whether an employee is subject to serving a basic trial period and/or a supervisory trial period; and
  - (2) Providing advice on matters relating to this directive.
- B. Supervisors are responsible for:
  - (1) Monitoring an employee's performance and conduct during the basic trial period and/or supervisory trial period;
  - (2) Initiating action to terminate the employee's employment, if at any point during the basic trial period, the supervisor determines an employee's performance and conduct are not at a sufficient level for continued employment; and
  - (3) Initiating the appropriate action under the provisions of Section 7D of this directive to an employee who is serving a supervisory trial period and whose performance or conduct is not at a sufficient level for continued employment in the supervisory position.
- C. The Office of Chief Counsel is responsible for providing legal sufficiency review for all terminations.

## 6. POLICY:

- A. Basic Trial Period:
  - (1) Persons entering TSA employment on an appointment without time limitations must serve a basic trial period unless it is determined pursuant to the provisions of this directive, that the employee has previously met the requirements for serving a basic trial period.
  - (2) An employee's basic trial period shall be two years from the effective date of his/her

appointment unless the employee meets one of the following exceptions:

- (a) The basic trial period is one year from the effective date of the appointment for full time and part-time employees who are eligible for veterans' preference.
  - (b) Intermittent employees who are eligible for veterans' preference must complete 2,080 hours in a pay status. All other intermittent employees must complete 4,160 hours in a pay status. Therefore, the calculation for completion of the basic trial period for intermittent employees is by the number of hours work and not by the employees' length of years.
  - (c) If an employee attains eligibility for veterans preference while serving a basic trial period of two years, the basic trial period is immediately reduced to one year.
  - (d) The Assistant Secretary or designee may authorize basic trial periods of up to three years for groups of positions when it is determined that a two-year trial basic period is not adequate to evaluate employees.
  - (e) Employees appointed to TSA who have previously completed one year of permanent, continuous Federal employment are considered to have met the requirement for serving a basic trial period and will not be required to serve another trial period with TSA.
  - (f) An employee serving in a permanent, Federal position with another Federal agency who has not completed one year of permanent Federal employment and is appointed to TSA from that employment without a break in service, will have the period of previous permanent Federal employment credited toward completion of the basic trial period at TSA.
  - (g) A TSA employee, who is converted without a break in service from a time-limited appointment to a permanent position, will have the time served in the preceding temporary appointment counted towards completion of the basic trial period only if the positions are in the same or similar line of work. Temporary time worked outside of TSA cannot be credited towards completion of the basic trial period.
- (3) An employee who has a break in service before completing a basic trial period must begin a new basic trial period upon appointment to a position requiring a basic trial period.
  - (4) Absence from work to perform duty with the uniformed services or because of a compensable injury does not extend the basic trial period. The time in non-pay, non-duty status due to military or compensable injury absence is credited toward completion of the basic trial period just as though the employee had remained in a pay and duty status.
  - (5) Except as provided in Section 6A(4) of this directive, service in non-pay status during the basic trial period that exceeds 44 workdays, for a two-year basic trial period, or 22 workdays, for a one-year basic trial period, extends the period by the excess number of work days.

- (6) A detail or temporary promotion to another position, either within or outside TSA, does not affect the basic trial period; the time spent on detail or temporary promotion is credited toward completion of the basic trial period.
- (7) If during the basic trial period an employee moves without a break in service to a different TSA position, he or she continues the basic trial period with the time in the preceding position credited toward completion of the basic trial period.
- (8) An employee who has met the service requirements for completing a basic trial period with TSA will not be required to complete another basic trial period upon appointment to a different position.

B. Supervisory Trial Period: The supervisory trial period provides TSA with an opportunity to assess a new supervisor's performance and conduct. The supervisory trial period is separate from the basic trial period discussed in Section 6A of this directive.

- (1) The supervisory trial period is one year and begins upon permanent appointment to the supervisory position.
- (2) A TSA employee permanently assigned to a supervisory position must complete a supervisory trial period if the employee has never completed a supervisory trial or probationary period at TSA or through other Federal employment.
- (3) A new supervisory employee, subject to both a supervisory trial period and a basic trial period, will serve both trial periods concurrently.
- (4) An employee who has completed a supervisory probationary or trial period through other Federal employment, or has served more than one year in Federal employment as a supervisor, is not required to complete a supervisory trial period at TSA.
- (5) A Federal supervisory employee who transfers to TSA without a break in service and who has served less than one year in a supervisory position must serve a TSA supervisory trial period. The time served in the previous Federal supervisory position is credited toward completion of the supervisory trial period.
- (6) Except as provided in Section 6B(8) of this directive, service in a non-pay status during the supervisory trial period that exceeds 22 workdays extends the period by the excess number of work days.
- (7) Absence from work to perform duty with the uniformed services or because of a compensable injury does not extend the supervisory trial period; the time in non-pay non-duty status due to military or compensable injury absence is credited toward completion of the supervisory trial period just as though the employee had remained in a pay and duty status.

## 7. PROCEDURES:

### A. Actions During the Basic Trial Period:

- (1) The supervisor must monitor an employee's performance and conduct during the basic trial period. At regular intervals throughout the applicable basic trial period (i.e., every three months for a one-year basic trial period; every six months for two-year basic trial period), the supervisor should document and discuss the employee's performance and conduct with him or her and counsel them in any areas that need improvement. [TSA Form 1112, Trial Period Performance and Conduct Form](#), should be used for this purpose.

**NOTE:** The failure of a supervisor to perform one or more of these reviews does not prevent TSA from terminating an employee whose performance or conduct is not acceptable.

- (2) Any time an employee's performance or conduct shows a deficiency, the supervisor must immediately determine the appropriate corrective action such as counseling, additional training, or if warranted, termination of the employee's employment. Supervisors should not wait until the end of the basic trial period to terminate an employee's employment if it is determined earlier that the employee should not be retained.

### B. Termination of Employee During the Basic Trial Period:

- (1) At any point during the basic trial period when the supervisor determines that an employee's performance or conduct is unacceptable, he/she may initiate the termination. Terminations must be in writing. A legal sufficiency review must be performed for all terminations.

**NOTE:** An employee who is terminated during his or her basic trial period does not have appeal, grievance, or peer review rights with regard to this termination.

- (2) The notice of termination will briefly state the reason for the termination and the effective date and time as described in Section 7B(3) of this directive. The employee has no right of reply to the termination notice.
- (3) Supervisors must be careful when setting the effective date of a termination at or near the end of a basic trial period. To avoid the possibility of having the termination occur after the basic trial period has been completed, the termination notice must be given to the employee at least one day before the end of the employee's basic trial period. If the termination notice is not delivered and effected until the employee's basic trial period end date, the notice must specify the time of day that the termination is effective. The effective time must be prior to the time the employee is scheduled to complete his/her shift or tour of duty that day, but no less than two hours before the employee is scheduled to complete his/her tour of duty.

- C. TSA will use the same procedures for terminating employees during the basic trial period regardless of whether the action is based on conditions that arose before the appointment or on performance or conduct during the basic trial period. The procedures to be used are those

described in Section 7B of this directive.

D. Supervisory Trial Period:

(1) Effect of Position Changes:

- (a) If an employee serving a supervisory trial period is detailed or **temporarily** promoted to a non-supervisory position or duties, the supervisory trial period is suspended until the detail or temporary promotion ends. The supervisory trial period resumes when the employee returns to the supervisory position. If the detail or temporary promotion is to another supervisory position or duties, the supervisory trial period continues and the time served under the detail or temporary promotion is credited toward completion of the supervisory trial period. Refer to [TSA MD 1100.30-1, \*Temporary Internal Assignments \(Details and Temporary Promotions\)\*](#), for additional information on details and temporary promotions.
- (b) If an employee serving a supervisory trial period is permanently assigned to another supervisory position, the supervisory trial period continues as originally scheduled.
- (c) If an employee is permanently assigned to a non-supervisory position, or has a break in service before completing the supervisory trial period, he/she must begin a new supervisory trial period upon any later appointment to a supervisory position and the time previously served as a supervisor does not count toward completion of the new trial period.
- (d) If a TSA employee serving in a supervisory position on a detail or temporary promotion is permanently assigned to a supervisory position immediately after the detail or temporary promotion, the service under the detail or temporary promotion is credited toward completion of the supervisory trial period.

(2) Actions During the Supervisory Trial Period:

- (a) The employee's supervisor must monitor the employee's performance and conduct during the supervisory trial period. If warranted, the supervisor should provide coaching or training, or otherwise assist the subordinate with needed corrections or improvements.
- (b) Supervisors of employees serving a supervisory trial period should document discussions and any corrective and/or remedial actions taken with respect to the subordinate's supervisory performance or conduct during the trial period.
- (c) A TSA employee who has been permanently assigned to a supervisory position and whose performance or conduct does not warrant retention in the supervisory position must be returned to his/her former position or placed in another position that is not below the pay band of the former position. If the supervisory position was the employee's first and only TSA position, the employee's supervisor must take the appropriate action. The employee should be terminated. However, if a determination is made that the identified deficiencies in performance and/or conduct are limited to

the performance of supervisory functions, a determination may be made to reassign the employee to a vacant non-supervisory position in accordance with the provisions of [TSA MD 1100.30-4, \*Permanent Internal Assignments\*](#), and related [Handbook](#).

- (d) Return to/Placement in Non-Supervisory Position: If it is determined that an employee serving a supervisory trial period should not be retained in the supervisory position, his/her supervisor must provide a written notice of the determination. The notice should contain a brief statement of the reasons for the action, the action being taken, i.e., removal or assignment to a non-supervisory position, and the effective date of the action. The notice must be delivered to the individual at least one business day before the effective date of the action and must be effective before the end of the supervisory trial period. This determination is not appealable under [TSA HCM 771-3, \*Peer Review\*](#), [TSA MD 1100.77-1, \*Disciplinary Review Board\*](#) or to the Merit Systems Protection Board, or grievable under [TSA MD 1100.77-2, \*Grievance Procedures\*](#).

**NOTE:** Nothing in this directive precludes taking disciplinary action, up to and including removal, against an employee serving a supervisory trial period, if warranted. In such cases, appropriate procedures will be followed. Refer to [TSA MD 1100.75-3, \*Addressing Unacceptable Performance and Conduct\*](#) for additional information.

- 8. EFFECTIVE DATE AND IMPLEMENTATION:** This policy is effective immediately upon signature.

**APPROVAL**

*Signed*

*5/21/2009*

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Richard A. Whitford  
Assistant Administrator for Human Capital

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Date

Distribution: Assistant Secretary, Deputy Assistant Secretary, Office Directors, Area Directors, Senior Field Executives, Federal Security Directors, Administrative Officers, TSA Affiliated HR Offices, and Special Agents in Charge.  
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