



NOTE: Pursuant to Section 101 of the Aviation and Transportation Security Act (49 U.S.C. 114(n)), this directive modifies and supersedes the FAA personnel management system regarding probationary or trial periods, including supervisory and managerial probationary or trial periods, with respect to TSA employees.

1. **PURPOSE:** This directive establishes Transportation Security Administration (TSA) policies and procedures concerning the trial period that employees must serve when entering employment. The directive also covers the trial period that employees must serve when entering a TSA supervisory or managerial position. This directive supersedes TSA Management Directive No. 1100.31-1, Trial Periods, dated March 4, 2004.
2. **SCOPE:** This directive applies to all TSA organizational elements, except that it does not cover employees in TSA executive-level positions. Employees in TSA executive-level positions serve a probationary period under terms consistent with those for the Senior Executive Service.
3. **AUTHORITIES:**
 - A. Sections 101 and 111(d) of the Aviation and Transportation Security Act.
 - B. Sections 403(2) and 423 of the Homeland Security Act of 2002.
 - C. Applicable TSA and U.S. Department of Homeland Security delegations of authority.
 - D. Section 2108 of Title 5 U.S. Code.
4. **DEFINITIONS:**
 - A. Basic Trial Period: The trial period that an individual must serve upon entering TSA employment.
 - B. Preference Eligible: An individual who meets the requirements for veterans' preference under the provisions of Section 2108 of Title 5 U.S. Code.
 - C. 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 or managerial 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.
 - D. Screener/Screening Position: These terms include the positions of Transportation Security Screener (TSS), Lead TSS, and Supervisory TSS.
 - E. Supervisory or Managerial Position: A position which (1) involves the accomplishment of work through at least one subordinate employee or (2) directs the work of an organizational

unit, but does not include TSA executive-level positions. For the purposes of this directive, a team or work leader, such as a Lead TSS, is not considered a supervisor.

F. Supervisory or Managerial Trial Period: The trial period that an employee must serve when entering a TSA supervisory or managerial position.

5. RESPONSIBILITIES: Supervisors are responsible for monitoring their employees' performance and conduct during an employee's basic trial period or, as applicable, managerial or supervisory trial period.

A. Determination to Terminate Employee's Employment During Basic Trial Period: At any point in time during the basic trial period that the supervisor determines an employee's performance or conduct is not at a sufficiently high level for retention, the supervisor is responsible for initiating action to terminate the employee's employment. The supervisor must initiate action sufficiently in advance of the trial period's end to ensure the termination is effected before expiration of the trial period.

B. Determination to Return Employee to Non-Supervisory or Non-Managerial Position during Supervisory or Managerial Trial Period: At any point in time during the supervisory or managerial trial period that the supervisor determines the employee's performance or conduct does not warrant the individual's retention in the supervisory or managerial position, the supervisor is responsible for initiating action to return the employee to his or her former position or to place the employee in another non-supervisory or non-managerial position which is not below the pay band of the former position. The trial period supervisor must initiate action sufficiently in advance of the end of the supervisory or managerial trial period to ensure the action is effected before expiration of the trial period.

6. POLICIES AND PROCEDURES:

A. Basic Trial Period: The following individuals must serve a trial period:

- (1) Persons entering TSA employment on an appointment without time limitation or on a time-limited appointment of more than two years; and
- (2) Current TSA employees converting from a time-limited appointment of two years or less to an appointment covered in 6A(1).

B. Exceptions to Basic Requirement: The following employees are not subject to the requirement to complete a trial period:

- (1) Persons in positions determined by the Assistant Secretary of Homeland Security for TSA to be equivalent to Schedule C because of their policymaking, policy advocating, or confidential nature.
- (2) Persons who are appointed to TSA positions who have attained career status through previous Federal employment, or who transfer to TSA without a break in service if they have previously completed a trial or probationary period in the Federal government.

C. Duration of Basic Trial Period:

- (1) Except as provided in sections 6C(2), (3) and (6), the trial period is two years from the effective date of the appointment for full- and part-time employees. Intermittent employees must complete 4,160 hours in pay status; therefore, the trial period for these employees may extend beyond two calendar years.
- (2) For non-screener employees who are preference eligibles, the trial period is one year from the effective date of the appointment for full- and part-time employees. Intermittent employees must complete 2,080 hours in a pay status; therefore, the trial period for these employees may extend beyond one calendar year.
- (3) For non-screener employees hired prior to March 4, 2004, the trial period (previously, “probationary period”) is one year beginning with the effective date of the appointment.
- (4) For screeners, including lead and supervisory screeners, hired prior to March 4, 2004, the trial period (previously, “probationary period”) ends one year after initial certification.
- (5) Except as provided in section 6C(5), service in non-pay status during the trial period that exceeds 44 workdays, for a two-year trial period, or 22 workdays, for a one-year trial period, extends the period by the excess number of days.
- (6) Absence from work to perform duty with the uniformed services or because of a compensable injury does not extend the trial period; the time is credited toward completion of the trial period just as though the employee had remained in a pay and duty status.
- (7) The Assistant Secretary of Homeland Security for TSA or his or her designee may authorize trial periods of up to three years for groups of positions when it is determined that a two-year trial period is not adequate to evaluate employees.

D. Effect of Personnel Actions on the Basic Trial Period:

- (1) Once a TSA employee has completed a basic trial period, he or she does not have to complete another basic trial period upon appointment to a different position.
- (2) If during the trial period an employee moves without a break in service to a different position, he or she begins a new trial period with the time in the preceding position credited toward completion of the new trial period.
- (3) If an employee has a break in service and has not completed a trial period, he or she must complete a new trial period upon appointment to a position requiring a trial period.
- (4) A detail or temporary promotion to another position, either within or outside TSA, does not extend the trial period; the time in accordance with provisions in sections 6C(4) and (5) is credited toward completion of the trial period.

- E. Credit for Prior Service: If an employee moves without a break in service from a time-limited appointment of two years or less to a permanent appointment or a time-limited appointment of more than two years, the time served in the preceding appointment counts toward completion of the trial period if the positions are in the same or similar line of work.
- F. Actions During the Basic Trial Period:
- (1) The supervisor is expected to closely monitor an employee's performance and conduct during the trial period. At quarterly intervals throughout the applicable trial period (i.e., every three months for one-year trial periods; every six months for two-year trial periods), the supervisor should document and discuss with the employee the employee's conduct and performance, including counseling the employee in any areas that should be improved. The Trial Period Performance and Conduct Form, [TSA Form 1112](#), should be used for this purpose.
NOTE: The failure of a supervisor to perform these reviews is not a bar to terminating an employee whose performance or conduct is not at a sufficiently high level for retention beyond the trial period.
 - (2) Anytime an employee's conduct or performance shows a deficiency, the supervisor should determine whether corrective action such as counseling, additional training or other corrective action is appropriate, or whether the performance or conduct deficiency warrants action to terminate the employee's TSA employment. Supervisors should not wait until the end of the trial period to terminate an employee's employment if it is determined earlier that the employee should not be retained.
- G. Termination of Employee During the Basic Trial Period:
- (1) At any point during the trial period when the supervisor determines that an employee's performance or conduct is not at a sufficiently high level for retention, he or she may initiate the termination. Terminations will be in writing.
 - (2) Supervisors must be careful when setting the effective date of a termination at or near the end of a trial period. To avoid the possibility of having the termination occur after the period has actually been completed, the termination notice should be given to the employee at least one day before the end of the employee's trial period. If the termination notice is not delivered and effected until the employee's 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 or her shift or tour of duty that day. To avoid any confusion, the effective time should be as early as possible during the employee's shift, but not later than two hours before the employee is scheduled to complete the shift.
 - (3) The notice will briefly state the reason for the termination and the effective date (including, if necessary, the time). The employee has no right of reply to the notice.
- H. Termination Based on Conditions Arising Prior to Appointment: TSA will use the same procedures for terminating employees in the trial period regardless of whether the action is

based on conditions that arose before the appointment or on performance or conduct during the trial period. The procedures to be used are those described in section 6G.

I. Post-Termination Review:

- (1) Employees have no right to grieve a termination during the trial period. See HRM Letter No. 771-2, Policy on Grievance Procedure.
- (2) Employees who have been terminated based on a negative suitability determination; i.e., results of the background security investigation, may submit documentation to the Office of Transportation Credentialing and Vetting to refute the information on which the negative suitability determination is based.

J. Supervisory or Managerial Trial Period: The supervisory or managerial trial period provides TSA with an opportunity to assess a new supervisor's or manager's performance and to return the employee to a non-supervisory or non-managerial position without undue formality should circumstances warrant.

- (1) **Basic Requirement:** A TSA employee entering a supervisory or managerial position on other than a detail or temporary promotion must complete a supervisory or managerial trial period if the employee has never completed a supervisory or managerial trial period at TSA. This period is separate from the basic trial period in section 6A. If both trial periods are running concurrently, the basic trial period takes precedence, and there is no need to follow the requirements of section 6J.
- (2) **Exceptions to the Basic Requirement:** The following employees are not subject to the requirement to complete a supervisory or managerial trial period:
 - (a) Employees in positions the Assistant Secretary of Homeland Security for TSA determines equivalent to Schedule C because of their policy making, policy advocating, or confidential nature; and
 - (b) An employee who has completed a supervisory or managerial probationary or trial period in another Federal government position.
- (3) **Duration of Supervisory or Managerial Trial Period:**
 - (a) The trial period is one year and begins upon appointment to the supervisory or managerial position.
 - (b) Except as provided in section 6C(5), service in a non-pay status during the trial period that exceeds 22 workdays extends the period by the excess number of days.
 - (c) Absence from work to perform duty with the uniformed services or because of a compensable injury does not extend the trial period; the time is credited toward completion of the trial period just as though the employee had remained in a pay and duty status.

(4) Effect of Position Changes:

- (a) If an employee serving a supervisory or managerial trial period is detailed or temporarily promoted out of the position to a non-supervisory/non-managerial position, the trial period is suspended until the employee returns to the position of record. The trial period then resumes. If the detail or temporary promotion is to another supervisory or managerial position, the trial period continues and the temporary service is credited toward completion of the trial period.
- (b) If an employee serving a supervisory or managerial trial period is reassigned or promoted to another supervisory or managerial position, the trial period continues as originally scheduled.
- (c) If an employee serving a supervisory or managerial trial period is moved by reassignment, promotion or other permanent position change, to a non-supervisory or non-managerial position, or has a break in service, he or she must serve a complete new trial period upon any later appointment to a supervisory or managerial position.

(5) Credit for Prior Service: If an employee is serving in a supervisory or managerial position on a detail or temporary promotion and is moved to a permanent supervisory or managerial position without a break in service, service under the detail or temporary promotion is credited toward completion of the supervisory or managerial trial period.

(6) Actions During the Supervisory or Managerial Trial Period:

- (a) During the trial period, the supervisor of the trial period supervisor or manager should monitor the subordinate's performance. If warranted, the supervisor may provide coaching or training, or otherwise assist the subordinate with needed corrections or improvements.
- (b) If it is determined that the subordinate's performance does not warrant retention in the supervisory or managerial position, the individual must be returned to his or her former position or placed in another position that is not below the pay band of the former position.
- (c) Supervisors of trial period supervisors and managers should document discussions and any corrective and/or remedial actions taken with respect to the subordinate's supervisory or managerial performance or conduct during the trial period.
- (d) Return to/Placement in Non-Supervisory or Non-Managerial Position: If it is determined that the trial period supervisor or manager should not be retained in the supervisory or managerial position, his or her supervisor must provide a written notice of the determination. The notice should contain a brief statement of the reasons for the action, the position to which the individual is being moved, 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 trial period.

**TSA MANAGEMENT DIRECTIVE No. 1100.31-1
TRIAL PERIODS**

This determination is not appealable to the Merit Systems Protection Board or grievable under HRM Letter 771-2, Policy on Grievance Procedure.

NOTE: Nothing in this directive precludes taking disciplinary action, up to and including removal, against an individual serving in a supervisory or managerial trial period, if warranted. In such cases, appropriate procedures will be followed. See TSA MD No. 1100.75-3, Addressing Performance and Conduct Problems.

7. EFFECTIVE DATE AND IMPLEMENTATION:

This policy is effective immediately upon signature.

APPROVAL



Richard A. Whitford
Assistant Administrator for Human Resources

3/29/2005
Date

Filing Instructions: File code 200.1.1
 This directive supersedes Management Directive No. 1100.31-1, dated
 March 4, 2004.

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Distribution: TSA Affiliated HR Offices, Associate Administrators, Assistant
 Administrators, and Office Directors

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