

ARTICLE 37

PROBATIONARY EMPLOYEES

SECTION 1

- A. The probationary period is a final and highly significant step in determining an employee's suitability for Federal service. During the probationary period an employee's conduct and performance will be observed; a background investigation will be conducted; and an employee may be separated from the Federal service without notice for conduct and/or performance failures without undue formality.
- B. It is recognized that new employees may require additional assistance and/or counseling during their probationary period. To be retained, employees must be able to demonstrate his or her ability to perform successfully the duties assigned and to maintain acceptable conduct (as identified in the HHS Standards of Conduct) for a Federal employee. Probationary employees are held to the same standards as other employees.

SECTION 2

Probationary employees' performance reviews and instruction will be consistent with Article 30. Employees are encouraged to discuss and receive updates on their performance with their supervisors.

SECTION 3

- A. When the Employer determines that a probationary employee is to be terminated for performance reasons, the Employer will notify the employee of the termination. A written notice will be provided to the employee. Generally, a written notice will be provided to the affected employee fourteen (14) calendar days in an advance of the termination date. The Parties agree that some circumstances would not warrant advance notification. Those situations are but not limited to:
 - 1 When to do so would extend the period of employment beyond the probationary period; or
 - 2 It has been determined by the Employer that it is not in the interest of the Agency to maintain the employee on the roles during the advance notice period.
- B. Probationary employees may elect to submit a voluntary resignation in lieu of termination at any time prior to the end of the business day on the date of their termination. If the probationary employee voluntarily resigns, the employee's Official Personnel Folder will only reflect the voluntary resignation. The employee will receive a copy of the termination SF-50, Notification of Personnel Action form, if he/she provides a valid forwarding address.

- C. If the probationary employee believes that her or his termination is based on discrimination, the employee may pursue established Equal Employment Opportunity (EEO) complaint procedures.