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(Original Signature of Member)

112TH CONGRESS  
1ST SESSION

# H. R.

To amend title 5, United States Code, to extend the probationary period applicable to appointments in the civil service, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. Ross of Florida introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To amend title 5, United States Code, to extend the probationary period applicable to appointments in the civil 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. PROVISIONS RELATING TO PROBATIONARY PE-**  
4 **RIODS.**

5 (a) IN GENERAL.—Section 3321 of title 5, United  
6 States Code, is amended—

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

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

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

8           “(c) The length of a probationary period under para-  
9           graph (1) or (2) of subsection (a), established by rule, reg-  
10          ulation, or other action of the President, shall be not less  
11          than 2 years.

12          “(d)(1) For purposes of any probationary period (as  
13          described in subsection (a)(1)), an employee who is trans-  
14          ferred, promoted, demoted, reassigned, or otherwise ap-  
15          pointed to a new position, whether before or after com-  
16          pleting a probationary period (as so described) in a pre-  
17          vious position and whether or not in the same agency,  
18          shall be required to satisfy the probationary period (as so  
19          described) which applies to the new position.

20          “(2) An employee shall not, for purposes of this sub-  
21          section, receive credit for any probationary period com-  
22          pleted, or for any service performed toward completing a  
23          probationary period, in any other position.

1       “(e) The head of each agency shall, in the administra-  
2 tion of this section, take appropriate measures to ensure  
3 that—

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

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

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

20       (b) TECHNICAL AND CONFORMING AMENDMENTS.—

21 (1) Section 3321(f) of title 5, United States Code (as so  
22 redesignated by subsection (a)(2)), is amended by striking  
23 “Subsections (a) and (b) of this section” and inserting  
24 “This section”.

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

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

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

11 **SEC. 2. APPEALS FROM ADVERSE ACTIONS.**

12 (a) IN GENERAL.—Section 7501(1) of title 5, United  
13 States Code, is amended—

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

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

18 (b) PREFERENCE ELIGIBLE.—Section 7511(a)(1) of  
19 title 5, United States Code, is amended—

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

23 (2) in subparagraph (B), by striking “1 year”  
24 and inserting “not less than 2 years”; and

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

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

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 paragraphs (1), (2),  
11      or (3) of subsection (b), as the case may be) com-  
12      mences on or after the date on which this section  
13      takes effect.