

# MS 613 TRIAL PERIOD PROCEDURES FOR FOREIGN SERVICE EMPLOYEES

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## ATTACHMENTS

Attachment A PC Form 1576, Trial Period Certification Report

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## **1.0 PURPOSE**

This Manual Section establishes procedures for the evaluation of the performance of Foreign Service employees--inclusive of pre-employment conduct--during their initial period of employment to determine whether they warrant retention.

## **2.0 AUTHORITY**

Sections 7(a) and (b) of the Peace Corps Act, as amended.

## **3.0 SCOPE**

All Foreign Service employees appointed for a period of more than (1) year, except:

- (a) Associate Directors,
- (b) Directors of Staff Offices,
- (c) the General Counsel
- (d) Peace Corps Country Directors,
- (e) employees whose appointments are made with the advice and consent of the U.S. Senate
- (f) employees in confidential, policy making, policy determining, or policy advocating positions designated as serving at the pleasure of the Peace Corps Director in the SF-50, Notification of Personnel Action and
- (g) GS employees who are required to convert to FP appointments by operation of Section 601(c)(3)(A) of PL 97-113, providing the conversion is to a position having the same duties and responsibilities as the position previously held.

## **4.0 POLICY**

An employee covered by this Manual Section is subject to a trial period at the beginning of an initial Foreign Service appointment in Peace Corps. During this period, the employee must demonstrate that retention in the position is in the best interest of the Agency. Supervisors have the responsibility during an employee's trial period to provide guidance and assistance to ensure that the employee has a fair opportunity to demonstrate that he or she should be retained in his or her Foreign Service position. If, however, the employee's performance is not satisfactory, even after assistance, the supervisor must take steps to terminate the appointment in the best interest of the employee and Peace Corps.

## **5.0 DEFINITIONS**

### **5.1 Supervisor**

The officially designated unit head in the United States; a Country Director overseas.

### **5.2 Office Director**

The Peace Corps Director, Deputy Director, Associate Directors, the General Counsel, and Directors of Staff Offices.

### **5.3 Trial Period**

The time immediately subsequent to appointment during which the employee may be terminated, with appeal rights, for pre-employment conduct or Post-employment conduct or performance. (Employees terminated outside the trial period will have appeal rights as appropriate.)

### **5.4 Pre-Employment Conduct**

Conduct by the employee prior to a Foreign Service appointment, which if known to Peace Corps would have been sufficient grounds for non-selection for appointment.

### **5.5 Satisfactory Conduct During the Trial Period**

Conduct which demonstrates that the employee has made an adequate adjustment to the requirements of the work situation and has the necessary skills and abilities to carry out effectively the duties of the position.

### **5.6 Reviewing Official**

The immediate supervisor of the unit head.

## **6.0 PROCEDURES**

### **6.1 Duration of Trial Periods**

#### **6.1.1 Employees in the United States**

The trial period for Foreign Service employees in the United States ends six (6) months from the date of their initial appointment.

#### **6.1.2 Employees Overseas**

The trial period for overseas employees extends from the date of their initial appointment to completion of six (6) months at Post, except that in no case will the trial period exceed nine (9) months from the date of the initial appointment.

### **6.2 Notification of Trial Period Status**

The Director of Personnel Management (M/PM) shall ensure that each individual offered a Foreign Service appointment of more than one (1) year is informed in writing that he or she will be subject to a trial period and the duration of that trial period.

### **6.3 Certification for Retention**

The Office of Personnel Management (M/PM) will provide the immediate supervisor Peace Corps Form PC 1576, Trial Period Certification Report (see Attachment A) 60 days prior to the expiration of the employee's trial period.

The supervisor completes the form and allows the employee to review and comment on its contents. The supervisor then forwards the form and any employee comments to the office director for review.

The completed form is returned to the Director of Personnel Management no later than fifteen (15) days--thirty (30) days for overseas employees-- prior to the expiration of the employee's trial period.

Should the immediate supervisor determine at any time during the trial period that the employee should be terminated for pre-employment conduct, performance, or conduct while in the position, he or she will initiate the termination process in accordance with the procedures set forth in Paragraphs 6.4 and 6.5.

## **6.4. Termination Due to Performance**

### **6.4.1 Unsatisfactory Performance**

Substantial failures by an employee to meet any performance standard will be brought to the employee's attention as soon as they occur or are noticed. An employee notified of deficiencies will be counseled and offered available assistance (including training, if appropriate) to help the employee achieve satisfactory performance.

### **6.4.2 Advance Notice**

When a supervisor determines that an employee's performance is not satisfactory, the employee will be notified in writing (with a copy to Personnel Management) of the specific areas of performance which are less than satisfactory. That notice will allow the employee thirty (30) calendar days to improve and will inform him or her how to raise the performance to a satisfactory level which would warrant retention. If the employee does not improve, the supervisor will issue a termination notice (with a copy to Personnel Management) stating specifically and in detail the reasons the employee is being terminated. The employee must be given fifteen (15) calendar days notice of a termination. The employee will be informed of his or her right to request review of the decision at the next higher level of management and of the right to be accompanied, represented, and/or advised by a representative of his or her choice in meeting with that official or designee.

### **6.4.3 Reviewing Official**

The reviewing official will meet with the employee, at the employee's request, prior to termination to allow the employee an opportunity to present reasons why the termination should not be effected. The reviewing official will, after considering information provided by the employee, issue a written decision. This will be the final decision of the Agency and it may not be further appealed or grieved within the Agency.

### **6.4.4 Final Decision**

A final decision to terminate will provide for a notice period of fifteen (15) calendar days or the remainder of the trial period, whichever time period is less.

## **6.5 Termination Due to Pre-Employment Conduct**

### **6.5.1 Employee Notification**

In cases involving pre-employment conduct, the supervisor will inform the employee in writing of the specific details of the pre-employment conduct which is considered to warrant termination. The employee will be given fifteen (15) calendar days to reply orally and in writing to the supervisor's letter. The reply will be made to a deciding official, who will be at the next higher level of management. The employee will be informed of his or her right to be accompanied by a representative of his or her choice when making an oral reply. The deciding official will consider all the facts in the case and the employee's reply before issuing a decision.

### **6.5.2 Reviewing Official**

The reviewing official or designee will meet with the employee, at the employee's request, prior to termination to allow the employee an opportunity to present reasons why the termination should not be effected. The employee may be accompanied, represented, and/or advised by a representative of his or her choice in meeting with the reviewing official or designee.

The reviewing official will, after considering information provided by the employee, issue a written decision. This will be the final decision of the Agency and may not be further appealed or grieved.

### **6.5.3 Final Decision**

A final decision to terminate will provide for a notice period of fifteen (15) calendar days or the remainder of the trial period, whichever is less.

### **7.0 EFFECTIVE DATE**

This Manual Section shall take effect on the date of issuance.