

Union Calendar No. 67

112TH CONGRESS
1ST SESSION

H. R. 1470

[Report No. 112-116]

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2011

Mr. ROSS of Florida introduced the following bill; which was referred to the Committee on Oversight and Government Reform

JUNE 23, 2011

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 8, 2011]

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—*

7 *(1) in subsection (a), by striking “The Presi-*
8 *dent” and inserting “Subject to subsections (c) and*
9 *(d), the President”;*

10 *(2) by redesignating subsection (c) as subsection*
11 *(e); and*

12 *(3) by inserting after subsection (b) the fol-*
13 *lowing:*

14 *“(c) The length of a probationary period under para-*
15 *graph (1) or (2) of subsection (a), established by rule, regu-*
16 *lation, or other action of the President, shall be—*

17 *“(1) except as provided in paragraph (2), not*
18 *less than 2 years; and*

19 *“(2) in the case of a preference eligible, not*
20 *longer than—*

21 *“(A) if the appointment (as referred to in*
22 *subsection (a)(1)) or the initial appointment (as*
23 *referred to in subsection (a)(2)) is to a position*
24 *that exists on the effective date of this subsection,*

1 *the length of the probationary period which ap-*
2 *plies to such position as of such effective date; or*

3 “(B) *if the appointment (as referred to in*
4 *subsection (a)(1)) or the initial appointment (as*
5 *referred to in subsection (a)(2)) is to a position*
6 *that does not exist on the effective date of this*
7 *subsection, such length of time as the President*
8 *may establish, consistent with the purposes of*
9 *this paragraph.*

10 “(d) *The head of each agency shall, in the administra-*
11 *tion of this section, take appropriate measures to ensure*
12 *that—*

13 “(1) *any announcement of a vacant position*
14 *within such agency and any offer of appointment*
15 *made to any individual with respect to any such po-*
16 *sition shall clearly state the terms and conditions of*
17 *the probationary period applicable to such position;*

18 “(2) *any individual who is required to complete*
19 *a probationary period under this section shall receive*
20 *timely notice of the performance and other require-*
21 *ments which must be met in order to successfully com-*
22 *plete the probationary period; and*

23 “(3) *upon successful completion of a proba-*
24 *tionary period under this section, certification to that*
25 *effect shall be made, supported by a brief statement of*

1 *the basis for that certification, in such form and*
2 *manner as the President may by regulation pre-*
3 *scribe.”.*

4 ***(b) TECHNICAL AMENDMENT.***—*Section 3321(e) of title*
5 *5, United States Code (as so redesignated by subsection*
6 *(a)(2)) is amended by striking “Subsections (a) and (b) of*
7 *this section” and inserting “This section”.*

8 ***(c) EFFECTIVE DATE.***—*This section and the amend-*
9 *ments made by this section—*

10 *(1) shall take effect 180 days after the date of en-*
11 *actment of this Act; and*

12 *(2) shall apply in the case of any appointment*
13 *(as referred to in section 3321(a)(1) of title 5, United*
14 *States Code) and any initial appointment (as re-*
15 *ferred to in section 3321(a)(2) of such title) taking ef-*
16 *fect on or after the date on which this section takes*
17 *effect.*

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

19 ***(a) IN GENERAL.***—*Section 7501(1) of title 5, United*
20 *States Code, is amended—*

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

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

1 **(b) DEFINITION AMENDMENT.**—Section 7511(a)(1) of
2 *title 5, United States Code, is amended—*

3 (1) *in subparagraph (A)(i), by striking “1*
4 *year” the first place it appears and inserting “not*
5 *less than 2 years”; and*

6 (2) *in subparagraph (C)(i), by striking “2*
7 *years” the first place it appears and inserting “not*
8 *less than 2 years”.*

9 **(c) EFFECTIVE DATE.**—*This section and the amend-*
10 *ments made by this section—*

11 (1) *shall take effect 180 days after the date of en-*
12 *actment of this Act; and*

13 (2) *shall apply in the case of any individual*
14 *whose period of continuous service (as referred to in*
15 *the provision of law amended by paragraph (1) or (2)*
16 *of subsection (b), as the case may be) commences on*
17 *or after the date on which this section takes effect.*

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