

ADMINISTRATIVE - INTERNAL USE ONLY

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Date: 08/23/2004

Category: 20 - Human Resources **OPR:** HR

Title: AR 20-24 THREE-YEAR TRIAL PERIOD

[Redacted box]

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SUMMARY: 7 August 2002 (0710)

This regulation supersedes HR 20-24, dated 19 January 1993.

HR 20-24, incorporates FR [Redacted] completely rewritten, and redesignated* AR 20-24 to provide current policy on the three-year trial period certification process used by the Agency.

*This redesignation is part of an ongoing conversion to one set of Agency Regulations for both headquarters and the field.

[Redacted] hereby rescinded.

Because this regulation is completed rewritten, boldfaced text has not been used.

This revision was initiated by Policy Staff, Centralized and Deployed Human Resources, HR Policy @ DA.

24. THREE-YEAR TRIAL PERIOD

SYNOPSIS. This regulation describes the three-year trial period certification process used by the Agency and some of the suitability factors to be considered by managers

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that may bear on the ultimate decision regarding an employee's retention at the end of the trial period.

- a. **AUTHORITY.** Section 8 of the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403j) and sections 103 (c)(5) and 104(g) of the National Security Act of 1947 (50 U.S.C. 404 (c)(5) and 405 (g)).
- b. **GENERAL.** The three-year trial period is an important time for both the employee and the Agency. For the employee, it provides an opportunity to evaluate the Agency as an employer, to become familiar with security considerations, and to learn the Agency's culture and work ethic. For the Agency, it provides the first-line supervisor and senior management with an opportunity to evaluate the new employee in the working environment. Even though performance is a key factor in this evaluation, supervisors must also focus on other suitability issues relevant to the employee's successful completion of the trial period as defined in section e(1) below.
- c. **POLICY**
- (1) Nothing in this regulation shall be construed to modify or in any way limit the discretionary authority of the Agency to terminate the employment of any individual, pursuant to the procedures set forth in AR and AR .
 - (2) Employees should be made aware on a timely basis, consistent with counterintelligence and security requirements, of any information or judgment, written or otherwise, concerning their suitability that may adversely affect their retention by the Agency.
- d. **RESPONSIBILITIES**
- (1) Managers, particularly first-line supervisors, are responsible for monitoring the progress of trial period employees in terms of adjusting to Agency employment and in achieving the appropriate level of job performance. Supervisors are also expected to provide frequent feedback to new employees during the initial three-year period, documenting feedback and counseling sessions, as appropriate.
 - (2) The Human Resources (HR) Mission Support Office (MSO) is responsible for administering and tracking the effectiveness of the Three-Year Trial Period program.
 - (3) The Career Service Sub-Group having cognizance over an employee reaching the end of the trial period is responsible for initiating the trial period certification process by completing the "Career Service Recommendation for Trial Period Certification" (Form 4380) and the "Trial Period Certification Checklist for Suitability Factors" (Form 4380A).
 - (4) When an employee changes Career Services or Sub-Groups during the final year of the trial period, the gaining Career Service Sub-Group will be responsible for initiating the three-year trial period certification process; however when an employee changes Career Services or Sub-Groups on or after the 30-month point in the trial, the original Career Service Sub-Group must initiate the trial period certification process.
- e. **CERTIFICATION.** Certification out of the three-year trial period includes a management, security, and medical review, and generally requires a favorable certification from the

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employee's Career Service Sub-Group, the Office of Security (OS), and the Office of Medical Services (OMS).

- (1) Supervisors must monitor and address factors concerning suitability, when known, that may bear on the ultimate decision regarding an employee's retention at the end of the trial period. Beyond the key factor of job performance, other considerations include:
 - (a) Inappropriate or immature behavior, gross personal deficiencies, or striking lifestyle changes.
 - (b) Severe indebtedness exhibited, for example, by living beyond one's financial means, by collection agencies seeking payment, by garnishment of wages, or by delinquent official accountings.
 - (c) Unsuitable work habits as evidenced by an inability to get along with coworkers, returning short-of-tour for cause, marginal work performance, reprimands, suspensions, or other disciplinary actions.
 - (d) A lack of reliability evidenced, for example, by habitual tardiness or excessive use of unscheduled leave.
 - (e) Lack of security discipline as evidenced by poor security habits; mishandling of classified information; a persistent history of security incidents; unreported, unauthorized, or inappropriate close and continuing contacts with foreign nationals.
 - (f) Outside activities that result in an employee becoming a subject of interest or target of suspicion to a law enforcement agency or other governmental investigative body, as indicated by arrest, receipt of a warrant or summons, indictment, court appearance, or other similar possible evidence of criminal conduct or civil law violation.
 - (g) Lack of potential for advancement to the full performance level or professional growth as an Agency employee.
- (2) The presence of one or more of these factors is not necessarily disqualifying but may be an indication that a more careful look at the employee is needed and that counseling may be appropriate. In such cases, supervisors should seek advice and guidance from component human resource (HR) officers and/or the OS Special Activities Staff (SAS) at the earliest opportunity after identifying any concerns regarding security, performance, or conduct.
- (3)
- (4) PARs prepared for employees during the three-year trial period must include a recommendation for or against continued employment with the Agency. If security, conduct, or performance factors relevant to continued employment are known to the supervisor, the factors considered in making the recommendation should be documented in the appropriate section of the PAR. The supervisor also should explain to the

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employee how these factors relate to the employee's performance.

- (5) Prior to the conclusion of the three-year trial period (or before the conclusion of an extended trial period), the Career Service Sub-Group will initiate the trial period certification process by completing the "Career Service Recommendation for Three-Year Trial Period Certification" (Form 4380) and the "Trial Period Certification Checklist for Suitability Factors (Form 4380A) and forwarding them to Strategy and Planning (S&P) in the HR MSO. The Career Service Sub-Group recommendation will become part of the overall trial period evaluation which includes management, security, and medical reviews. S&P will coordinate with OS and OMS to initiate the security and medical evaluations. The extent of trial period security and medical evaluation will be based on information in the employee's records and/or issues identified by management. OS and OMS will forward their certification decisions to S&P. Upon receipt of positive certifications from the employee's Career Service Sub-Group, OS, and OMS, S&P will enter the personnel action to change the employee from trial period to career status. S&P will notify the employee, the Career Service Sub-Group, OS, and OMS once all certifications have been received and the personnel action to change the employee's status has been processed. At any time before the personnel action to change the employee's status has been processed, the employee's Career Service Sub-Group, OS, or OMS may rescind a prior certification, based on newly acquired information regarding security or suitability issues.
- (6) If an employee does not receive full security processing, to include a polygraph and an updated background investigation, during the end of trial period evaluation, such processing will generally occur at some point after three years but before five years from the date of the employee's entry on duty.
- f. TRIAL PERIOD EXTENSION.** The employee's Career Service Sub-Group or the Personnel Evaluation Board (PEB) may recommend to the Chief Human Resources Officer that the employee's trial period be extended for a specified period of time, not to exceed 12 months, when the employee has received PARs that indicate the employee has not fully performed the duties for which he or she was appointed, when the employee has made a significant change in his or her career track or occupation during the last year of the trial period, or when suitability issues exist that militate against certification at the end of the trial period. OS may also recommend to the Chief Human Resources Officer that an employee's trial period be extended, not to exceed 12 months, on the basis of security issues.
- (1) An employee whose trial period has been extended must be notified in writing by his or her Career Service Sub-Group or, if appropriate, by SAS of the length and reasons for such an extension, and that extension of the trial period does not create any property or similar interests in Agency employment. If the extension is due to security, suitability, or performance issues, the Career Service Sub-Group or SAS notification shall also advise the employee that he or she has the option of resigning from the Agency. The written notification should be signed by the employee as acknowledgement of the action being taken. If the employee declines to acknowledge the notification, the Career Service Sub-Group or SAS should so indicate on the document. Refusal of the employee to sign the notification does not invalidate the extension of the trial period.

