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1. Transmitted is a revised VHA (Veterans Health Administration) Supplement to VA (Department of Veterans Affairs) Manual, MP-5, "VA Personnel Policy," Part II, "Employment of Physicians, Dentists, Podiatrists, Optometrists, Nurses, Physician Assistants, and Expanded-Function Dental Auxiliaries and Other Excepted Personnel Under Title 38, United States Code, Chapter 73," Chapter 4, "Probationary Period." Brackets have not been used to identify changes in text.

2. **Principal changes include:**

- a. **Paragraph 4.01:** Clarifies the scope of the chapter.
- b. **Paragraph 4.04:** Revises responsibilities related to this chapter.
- c. **Paragraph 4.05:** Includes new information on length of the probationary period.
- d. **Paragraph 4.06:** Defines creditable service towards completion of the probationary period.
- e. **Paragraph 4.07:** Discusses completion of probationary period and reappointment.
- f. **Paragraph 4.08:** Modifies procedures and terminology related to periodic probationary reviews.
- g. **Paragraph 4.09:** Revises procedures for summary reviews. Most significantly, this includes:
 - (1) Authorizing facility Directors to approve Professional Standards Board recommendations on employees in noncentralized or centralized assignments (other than Chiefs of Staff).
 - (2) Advising facilities that a court ruling regarding Professional Standards Board recommendations for employees in Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota requires special instructions for facilities in these States.
- h. **Paragraph 4.10:** Provides that facility Directors may approve penalty actions for centralized and noncentralized probationary employees (other than Chiefs of Staff) and provides instructions for issuing such notices.
- i. **Paragraph 4.11:** Discusses the duty status of certain employees pending a decision on whether a summary review is appropriate.
- j. **Paragraph 4.12:** Provides that a probationary separation can be held in abeyance if the employee seeks counseling or treatment for a condition covered under the Rehabilitation Act of 1973.
- k. **Paragraph 4.13:** Contains information (action upon completion of the probationary period) that was previously in paragraph 4.08.

l. **Appendix 4A:** Contains a revised list of officials authorized to initiate probationary reviews and Boards.

m. **Appendix 4C:** Provides new instructions for forwarding probationary review material to Central Office.

n. **Appendix 4D:** Revises the sample notice of summary review.

o. **Appendix 4E and Appendix 4F:** Include a new sample admonishment and reprimand.

3. **Filing Instructions**

Remove pages

4-i
4-1 through 4-6

Insert pages

4-i through 4-ii
4-1 through 4-10
4A-1 through 4F-1

4. **RESCISSION:** VHA Supplement, MP-5, Part II, Chapter 4, dated June 1, 1964, and change 1.

S/ by C. Wayne Hawkins 4/21/93 for
(Held for (00) signature 9/7/93)
John T.Farrar, M.D.
Acting Under Secretary for Health

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RESCISSIONS

The following material is rescinded:

1. COMPLETE RESCISSIONS

Manuals

VHA Supplement, MP-5, Part II, Chapter 4 dated June 1, 1964 and Change 1

CHAPTER 4. PROBATIONARY PERIOD**4.01 GENERAL**

a. **Scope.** This chapter implements Department of Veterans Affairs (VA) Manual MP-5, part II, chapter 4 for employees serving a probationary period under 38 United States Code (U.S.C.) 7403(b). This means that employees appointed under 38 U.S.C. 7401(1), i.e., physicians, dentists, podiatrists, optometrists, nurses, nurse anesthetists, physician assistants, and expanded function dental auxiliaries. Unless otherwise indicated, any reference to employee or employees refers to all the preceding. The Under Secretary for Health's designee refers to a designee in VA Central Office.

b. **Exclusions.** This chapter does not apply to employees appointed under 38 U.S.C. 7306 (formerly 38 U.S.C. 4103) or 38 U.S.C. 7405 (formerly 38 U.S.C. 4114). It also does not apply to personnel listed under 38 U.S.C. 7401(3) (formerly 38 U.S.C. 4104(3)).

4.02 REFERENCES

Necessary legal, regulatory, and related policy references are contained in the applicable paragraph. In addition, citations of a particular section or sections of statutory law or other legal authority upon which the policy is based are contained at the end of each substantive paragraph.

4.03 POLICY

a. **Extension of Appointment Process.** The probationary period is an extension of the appointment process. It provides the final test of the appointee's qualifications, i.e., actual performance on the job. During the probationary period, the employee's conduct and behavior will be closely observed. The employee may be separated from the service if not found fully qualified and satisfactory. Thus, the probationary period provides a safeguard against retention of any person who, in spite of having met legal and regulatory requirements for appointment, is found in actual practice to be unsuited for permanent employment in Veterans Health Administration (VHA).

b. **Recruitment, Retention and Enhancement of Performance.** The probationary period also affords an opportunity for fostering the interest of the employee in a VA career. Thoughtful and considerate treatment during the probationary period will have a lasting effect on the employee's career. It will enhance employee performance and often ensure useful and efficient service by employees who might otherwise resign, be separated, or be retained in assignments in which they have little prospect of success.

c. **Management Support.** The probationary period cannot serve as a full and fair trial period without the full cooperation of supervisors and managers at all levels. New employees, particularly those with no prior Federal service, should not be expected to immediately render services which would normally be required of experienced and trained employees. During the initial period of employment, a sincere effort must be made by supervisors and human resources management officials to orient employees into the new work situation and to provide essential training and instruction.

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Authority: 38 U.S.C. 7403(b); 38 U.S.C. 7304.

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4.04 RESPONSIBILITIES

a. **Authorizing Officials.** The appropriate officials listed in Appendix 4A may authorize Board reviews on their own initiative or on the recommendation of other appropriate officials. Throughout this chapter, the term authorizing official refers to those listed in that appendix.

b. **Review Boards**

(1) Professional Standards Boards will review the work records of each employee serving a probationary period in accordance with the provisions of this chapter.

(2) The establishment, membership and composition of Professional Standards Boards, as prescribed in MP-5, Part II, Chapter 2, Paragraph 5, and Paragraph 2.20 of the VHA Supplement thereto, will be applicable to probationary reviews. Members from facilities other than the employee's may be designated to serve on the Board when it is determined appropriate or necessary.

c. **Supervisors.** Supervisors will continually review the services of employees serving in a probationary status. Supervisors must assure by active measures that the work records of unsatisfactory employees or of those whose services are merely borderline are promptly referred to appropriate officials for action.

d. **Chief, Human Resources Management, or Designee.** The Chief, Human Resources Management, or designee, is responsible for:

(1) Assisting management officials with probationary procedures.

(2) Reviewing proposed probationary actions for conformance with Department and VHA policies and procedures.

(3) Advising employees about probationary procedures and rights.

(4) Serving as technical advisor to Boards. This includes advising Board members on policies and procedures related to conducting probationary reviews.

(5) Ensuring that copies of permanent records (see Pars. 4.08b(4) and 4.09i(2)) relating to periodic and summary reviews are included in the Health Care Provider Credentialing and Privileging Records (77VA11) of personnel with clinical privileges.

Authority: 38 U.S.C. 7403(b); 7304.

4.05 LENGTH OF PROBATIONARY PERIOD

a. **Length.** The probationary period for employees appointed on or after December 20, 1979, is 2 years. Employees who have not previously completed a probationary period, but have creditable service before December 20, 1979, must complete the 3-year probationary period which was in effect when they were originally appointed under 38 U.S.C. 4104(1). For example, a physician

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who was originally given a full-time appointment on February 1, 1977, was converted to a part-time appointment on February 1, 1979, and back to a full-time appointment under 38 U.S.C. 7401(1) on February 1, 1993. Although credit is given for the 2 years of probationary service

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gained before February 1, 1979, the physician must complete the 3-year probationary period by serving in a probationary appointment through January 31, 1994. Employees with no creditable probationary service before December 20, 1979, are only required to serve a 2-year probationary period.

b. Last Day of Probationary Period

(1) For employees paid on a daily basis (physicians, dentists, podiatrists, and optometrists), the probationary period ends at midnight on the last calendar day before the employee's anniversary date, whether or not the employee is in a duty status that day. For example, a probationary period beginning November 1, 1992, ends at midnight October 31, 1994.

(2) For employees paid on an hourly basis (nurses, nurse anesthetists, PAs (physician assistants), and EFDAs (expanded-function dental auxiliaries), the probationary period is completed at the end of the last scheduled duty before the employee's anniversary date. (For the purposes of this paragraph, scheduled duty includes normal and overtime duty, leave, excused absence, including holidays, and absence without leave.) For example, a probationary period beginning November 1, 1992, is completed as follows:

(a) For an employee whose last duty occurs at 4:30 p.m. on October 31, 1994, the probationary period is completed at 4:30 p.m., October 31, 1994.

(b) For an employee whose last tour of duty is from 11:00 p.m., October 31, 1994, to 7:00 a.m., November 1, 1994, the probationary period is completed at midnight October 31, 1994.

(c) For an employee whose last duty (because of days off) is 4:30 p.m., October 29, 1994, the probationary period is completed at 4:30 p.m., October 29, 1994.

Authority: 38 U.S.C. 7403(b); 7304.

4.06 CREDITABLE SERVICE

The following service is creditable toward completion of the probationary period:

a. Continuous service in an appointment under 38 U.S.C. 7401(1) or 7306.

b. Leave with pay during creditable service.

c. Leave without pay during creditable service not exceeding a total of 40 calendar days for physicians, dentists, podiatrists and optometrists or 235 hours for nurses, nurse anesthetists, PAs, and EFDAs during creditable service. **NOTE:** *When determining this total, each hour of leave without pay taken by a nurse or nurse anesthetist on the Baylor Plan is to be multiplied by 1.667.*

d. Prior satisfactory probationary service of at least 6 months duration followed by break(s) in service totaling 1 year or less if the break was not due to separation for cause. A break in service is defined for the purpose of

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this subparagraph as a period during which no service is rendered under 38 U.S.C. 7306, 7401(1), or 7405(a).

e. Time before restoration during which a probational employee received work injury compensation from the Office of Workers' Compensation Programs.

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f. Time spent in a probationary period served under 38 U.S.C. 7403(b) prior to holding some other type of appointment in VHA if the employee is subsequently appointed under 38 U.S.C. 7401(1), provided the conditions of subparagraph d above are met.

Authority: 38 U.S.C. 7403(b); 7304.

4.07 REQUIREMENT FOR SERVING NEW PROBATIONARY PERIOD

Employees who satisfactorily completed the probationary period required by 38 U.S.C. 7403(b) will not serve a new probationary period upon reappointment unless their separation was for cause.

Authority: 38 U.S.C. 7403(b); 7304.

4.08 PERIODIC REVIEWS**a. Informal Reviews**

(1) Supervisors will review the services of employees on a continuing basis through observation and evaluation of their performance and conduct during the probationary period. They must remain aware of this responsibility, both when judging employee performance and when acclimating employees to their work environment. The acclimation will include careful explanations of the duties and responsibilities of the position, opportunities for development, and applicable employment and conduct regulations and procedures.

(2) When the employee has had an opportunity to learn what is expected, the supervisor should give consideration to any inadequacies in performance or conduct. The employee's weak points should be discussed objectively and suggestion made for improvement. If the employee's performance is considered good or outstanding in some aspect, this fact should be made known to the employee. If the employee's adjustment and performance are not satisfactory, the employee's immediate or higher supervisor will submit a written request for formal or summary review through channels to the official authorized to approve further review of the employee's services. This request will describe the employee's deficiencies, and the supervisor's efforts, such as training, modification of assignments, use of preceptors, etc., to assist the employee. The request may be initiated any time during the probationary period, and may be made notwithstanding past or pending proficiency ratings or the results of any previous probationary review. If the immediate supervisor is the authorizing official, the same information is to be forwarded in writing to the Chairperson of the appropriate Professional Standards Board for consideration as a part of the summary review.

b. Formal Reviews

(1) Appropriate supervisory officials and Standards Boards have responsibility for periodically reviewing the services of probationary employees. At a minimum, at least one formal periodic review during the probationary period will be done (typically, following completion of the employee's first Proficiency Report).

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(2) The personnel office will remind the employee's immediate supervisor and the Chairperson of the Board listed in Appendix 4A of the review requirement.

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(3) The employee's immediate supervisor will initiate formal periodic review by submitting a recommendation through channels to the Board. The recommendation should be based on the employee's Proficiency Report and any related material. The Board will have access to the employee's Official Personnel Folder and the entire employment record, including Proficiency Reports, any counseling reports, and supervisory evaluations. The Board will consider all aspects of the employee's service.

(4) Board Recommendations:

(a) If the employee is judged fully qualified and satisfactory, the Chairperson of the Board will record that finding by endorsing the current Proficiency Report or by preparing a separate memorandum report, and the employee will be advised of the finding by the immediate supervisor.

(b) If the Board questions whether the employee is fully qualified and satisfactory, the Board is to return the case to the appropriate authorizing official with a recommendation that a summary review of the employee's services be initiated.

Authority: 38 U.S.C. 7403(b); 7304.

4.09 SUMMARY BOARD REVIEWS

a. **Purpose.** Summary reviews are limited to situations where summary separation from the service may be justified. Officials identified in paragraph 4.04a are responsible for deciding whether to conduct a summary review of an employee's services. Supervisors may initiate requests for summary reviews at any time during the probationary period.

b. **Review Boards.** Summary reviews will be conducted by the Professional Standards Boards listed in appendix 4A. Persons in a position to prejudice the action of a Board, such as an employee's immediate or second level supervisor, may not serve on the Board.

c. **Special Proficiency Report.** A special Proficiency Report may be initiated at any time. If an employee to be reviewed under this paragraph has not received a Proficiency Report within the three months prior to the summary review, a special Proficiency Report should be completed in accordance with VHA Supplement, MP-5, Part II, Chapter 6, paragraph 6.06.

d. **Employee Rights.** Employees subject to summary Board review have the right to:

(1) Advance written notice of the Board review as indicated in subparagraph e.

(2) Review documents relied upon by officials in initiating or recommending a summary Board review, subject to applicable disclosure restrictions.

(3) Impartial review by the Board.

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(4) Reply orally and/or in writing to the Board concerning the reasons for the review.

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(5) Be represented by an individual of the employee's choice, provided the choice would not create a conflict of interest. A summary review is not an adversarial procedure. The representative's role is limited to assisting the employee in exercising the right to reply orally and/or in writing to the reasons for the review. Any responses to requests for information by the Board during the review process are considered part of the employee's reply. Accordingly, the employee's representative may assist in such matters. **NOTE:** *Because summary reviews deal with issues related to professional competence or conduct and peer review, a union representative is not entitled to be present at a summary review except when serving as the employee's personal representative.*

e. **Notice to Employee of Board Review.** Normally, the employee will be given 10 to 14 calendar days notice prior to a summary review. The notice will be in writing, prepared for the signature of the Chairperson of the Board and indicate: (A sample notice may be found in App. 4D.)

(1) The time, date, and place of the proposed review and a statement that this review is being conducted under authority of 38 U.S.C. 7403(b).

(2) The reasons for the review--briefly, but in sufficient detail for the employee to clearly understand why he or she may not be fully qualified and satisfactory.

(3) That, in conducting the review, the Board will use available records and information furnished by the employee and others who may be called by the Board. The Board will issue findings and recommend, under the provisions of 38 U.S.C. 7403(b), the employee's retention or separation.

(4) The employee's rights in the review process, as indicated in subparagraph d.

(5) A date, normally no less than 3 workdays before the Board review date, by which the employee must submit any written reply and/or notify the Chairperson of the Board whether the employee will appear personally before the Board and whether the employee will be accompanied by a representative. The employee will be asked to furnish the name, address, and occupation of any representative.

(6) That the Chief, Human Resources Management, or designee, is available to advise the employee about probationary review policies and procedures.

(7) That the employee will be notified of the outcome of the review.

NOTE: *Additional evidence that forms the basis for new reason(s) upon which to base the summary review acquired after the notice of summary review has been issued will not be considered in the summary review unless the notice of summary review has been reissued. The employee or employee's representative shall be provided with copies of any reissued notice of summary review.*

f. **Conduct of Board Review.** The primary purpose of the Board in conducting a summary review is to obtain the available facts and determine whether the employee is fully qualified and satisfactory. Interviews with the employee, supervisors, or others should be conducted in an informal manner. Only Board

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members are entitled to be present when an individual is being interviewed,
except that an employee's

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representative may be present while the employee is being interviewed. Employees or others who may be called upon to furnish information will not be subject to cross-examination, and the Chairperson of the Board will ensure that this does not occur.

(1) Oaths or affirmations need not be required or administered in connection with the Board review.

(2) When the employee attends the review, the Chairperson will remind the employee of the reasons and the legal authority for the review, which were included in the notice to the employee.

(3) All members of the Board will be present throughout the entire review.

(4) A verbatim recording of the review will not be made unless the Chairperson deems it necessary.

(5) The Chief, Human Resources Management, or designee, will serve as a technical adviser to the Board. The Chairperson may also obtain technical or legal assistance from other VA employees. Persons who will advise or assist the Board cannot serve on the Board.

(6) To obtain essential facts, the Chairperson may call persons before the Board to answer questions that may assist the Board in its review. This includes persons who are believed to possess pertinent information about the employee or the circumstances which led to the review.

(7) Ordinarily, VA patients are not to be called upon for information or otherwise be involved in Board reviews. Patients, with their consent, may be witnesses when information from them is considered essential and there has been a medical determination that the patient has the capacity to testify and that appearance as a witness will not be detrimental to the patient's health or welfare.

(8) If an allegation of discrimination based on race, color, religion, sex, age, handicap, or national origin is raised at any stage of a review by a Board, the employees will be informed that the matter may be brought to the attention of an Equal Employment Opportunity (EEO) counselor as authorized in MP-7, Part I, Chapter 3, par. 1. After such notification, the probationary review will be completed. If the decision is to separate the probationer, the separation will not be delayed because of a discrimination complaint.

g. **Findings and Recommendations of Board.** Upon completion of the Board review, the Board will meet in closed session to discuss its findings and make its recommendations. The Board may recommend separation or retention of the employee. Findings and recommendations of the Board will be recorded on VA Form 10-2543, Board Action, as indicated in Appendix 4B.

h. **Action on Board Recommendations**

The administrative review and action on Board recommendations specified in this paragraph, and Appendix 4B, do not apply to VHA facilities in Arkansas,

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Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. Instructions for these facilities are covered in separate letters to these facilities.

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(1) Employees in Noncentralized Positions and Centralized Employees Other Than Chiefs of Staff, Facility Directors, and VA Central Office Employees

(a) The completed Board action and all related documents will be sent to the Chief of Staff for review. (This includes summary reviews completed by Regional Professional Standards Boards, and summary reviews conducted at other VA facilities, including VA Central Office.) The Chief of Staff will comment on the Board recommendations and send these comments, the Board Action, and related documents to the facility Director.

(b) The facility Director, or designee, may approve, disapprove, or modify the Board's recommendation on the Board Action. However, in making this decision, the facility Director may seek additional advice and information.

(c) When considering Board actions on centralized employees, the facility Director shall consult with the Regional Director or designee and other appropriate VA Central Office officials.

(2) Chiefs of Staff. The Board Action and all related documents will be forwarded through channels to the Office of Human Resources Management (054D). The Office of Human Resources Management will forward the recommendation to the Under Secretary for Health who may approve, disapprove, or modify the recommendation.

(3) Facility Directors. The Board Action and all related documents will be forwarded to the Under Secretary for Health for review. The Under Secretary for Health shall, in consultation with appropriate VHA officials, comment on the Board recommendation and send these comments, the Board Action, and related documents through the Deputy Assistant Secretary for Human Resources Management to the Secretary for action. The Secretary may accept, reject, or modify the recommendation.

(4) VA Central Office Employees. The Board Action and all related documents will be forwarded through channels to the Office of Human Resources Management (055C). The Office of Human Resources Management will forward the recommendation to the Under Secretary for Health who may approve, disapprove, or modify the recommendation.

i. Effecting Approved Recommendations

(1) Separation. Separations under these procedures must be effected before completion of the probationary period. (See par. 4.05b.) The employee will normally be given 15 calendar days notice, but the notice period may be shortened if necessary to effect the separation before completion of the probationary period.

(2) Retention. The employee will be notified that his or her retention in VHA has been approved. All proficiency ratings and board actions relating to the summary review will be retained as permanent records in the Official Personnel Folder. A recommendation for retention does not preclude subsequent initiation of a summary review prior to completion of the probationary period.

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j. **Reporting Separated Licensed Appointees to State Licensing/Registration Boards or License Monitoring Entities.** Approving officials are responsible for determining whether to report an individual who is separated as a result of the review, or resigns, or

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retires prior to the completion of the review process, to appropriate licensing/registration boards or license monitoring entities. In making such determinations, approving officials are responsible for ensuring adherence to the required procedures and time standards for VA initiated reporting, prescribed in VHA Manual M-2, Part I, Chapter 34.

k. **Records.** The board action and proficiency report are to be filed in the Official Personnel Folder whether or not the employee is separated or retained.

Authority: 38 U.S.C. 7403(b); 7304; Public Law 99-166, Section 204.

4.10 PENALTY ACTIONS

a. **General.** While the provisions of MP-5, Part II, Chapter 8, are not applicable to employees who have not completed the probationary period, in certain cases imposing a penalty action may be appropriate.

(1) These actions may be imposed during the probationary period to correct conduct deficiencies which are not serious enough to justify separation of an employee from the service.

(2) Penalty actions may be imposed as the result of a Professional Standards Board review of an employee's services or by supervisory officials independent of Board action if the employee's action(s) do not warrant peer review.

b. Types of Penalty Actions

(1) **Admonishment.** An admonishment is an official letter of censure given to an employee for a minor conduct deficiency or deficiencies. It may be given in a probationary period to correct an employee's behavior when the deficiency or deficiencies are not serious enough to warrant separation. The letter will, to the extent possible, describe the deficiency or deficiencies as to time, place, and circumstances and contain information about withdrawal of the admonishment from the employee's Official Personnel Folder. A sample letter of admonishment is contained in Appendix 4E.

(2) **Reprimand.** A reprimand is an official letter of censure given to an employee for a conduct deficiency or deficiencies. It may be given in a probationary period to correct an employee's behavior when the deficiency or deficiencies are not serious enough to warrant separation. The letter will, to the extent possible, describe the deficiency or deficiencies as to time, place, and circumstances and contain information about withdrawal of the reprimand from the employee's Official Personnel Folder. A sample letter of reprimand is contained in Appendix 4F.

c. Approvals

(1) The facility Director may designate supervisory officials at or above the service chief level to approve actions under this paragraph for probationary employees in noncentralized positions.

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(2) The facility Director approves admonishments and reprimands of probationary employees in centralized positions except Chiefs of Staff.

(3) The appropriate Regional Director approves admonishments and reprimands for Chiefs of Staff and facility Directors in their probationary period.
Appropriate officials

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at or above the service director level may approve admonishments and reprimands for VA Central Office employees in their probationary period.

Authority: 38 U.S.C. 7403(b); 7304.

4.11 EMPLOYEE STATUS

a. **General.** Ordinarily, in cases involving reviews under the provisions of paragraphs 4.08 and 4.09, employees will be retained in a pay and active duty status in their current assignment. However, in those instances where it is determined that the employee's continued presence at the worksite might pose a threat to employees or others, result in loss of or damage to Government property or otherwise jeopardize legitimate Government interests, the following alternatives may be considered:

(1) Detailing the employee to another assignment where the employee is no longer a threat to safety, to the VA mission, or to Government property;

(2) Allowing the employee to take leave (annual leave, sick leave or leave without pay), or carrying the employee as absent without leave if the employee has absented himself or herself from the worksite without requesting leave;

(3) As a last resort, placing the employee in a paid non-duty status for a brief period pending a decision on whether a summary review is appropriate.

b. **Clinical Privileges.** Any initiation of action under paragraph 4.09 should be carefully reviewed to determine whether a review of the employee's clinical privileges is also appropriate.

Authority: 38 U.S.C. 7403(b); 7304.

4.12 ABEYANCE AND FIRM CHOICE AGREEMENTS

A probationary separation may be held in abeyance if, at the request of the employee, the official authorized to approve the probationary separation approves an opportunity for the employee to participate in counseling or treatment. In affording the opportunity for rehabilitation of a handicapped condition, applicable provisions of VA personnel and local policies will be followed. In such cases a firm choice or abeyance agreement may be entered into which provides that the employee shall seek counseling or treatment for a condition covered under the Rehabilitation Act of 1973. An employee must complete counseling or treatment in sufficient time to provide an opportunity to review the employee's performance prior to the end of the probationary period.

4.13 ACTION UPON COMPLETION OF PROBATIONARY PERIOD

a. **Satisfactory Completion of Probationary Period.** Each employee who satisfactorily completes the probationary period will automatically attain status as a permanent employee.

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b. **Acknowledgment.** An acknowledgment should be made to those who acquire permanent status (e.g., a congratulatory letter to the employee from the facility Director or an item in the facility news bulletin).

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c. **Formal Personnel Action.** Human Resources Management offices will not initiate a formal personnel action to document the completion of the probationary period.

Authority: 38 U.S.C. 7403(b); 7304.

PROBATIONARY REVIEW AUTHORIZING OFFICIALS AND BOARDS

(To be used with pars. 4.04, 4.08 and 4.09)

ASSIGNMENT	AUTHORIZING OFFICIAL	REVIEW BOARD
VA Central Office	Appropriate Service Director and Equivalent Positions or above	Appropriate Central Office PSB (Professional Standards Board)
Facility Director	Appropriate Regional Director	Appropriate Central Office PSB
Chief of Staff	Facility Director	Appropriate Central Office PSB
Centralized facility employees (except Director, Chief of Staff and nurses)	Chief of Staff	Local PSB*
Centralized facility nurses	Chief of Staff	Regional Nurse PSB
Noncentralized employees (except the following)	Appropriate Service Chief	Local PSB*
Assistant/Associate Chiefs, Nursing Service	Chief, Nursing Service	Regional Nurse PSB

* For dentists and expanded-function dental auxiliaries, reviews will be conducted by the PSBs listed in chapter 5, Appendix 5A, this Supplement. If a facility Director believes a local PSB meeting the requirements of this Chapter cannot be constituted, the appropriate Regional Board will be asked to complete the probationary review. If there

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are no Regional Boards for the occupation, another facility Director may be asked to establish a PSB for this purpose. For podiatrists and optometrists, the appropriate service chief is the authorizing official; however, the review will be conducted by the VA Central Office Professional Standards Board.

Authority: 38 U.S.C. 7403(b); 7304.

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**INSTRUCTIONS FOR USE OF VA FORM 10-2543, BOARD ACTION,
TO DOCUMENT SUMMARY PROBATIONARY REVIEWS**
(To be used with paragraph 4.09)

The Board Action will be completed in triplicate as follows:

1. **FINDINGS.** Item 5 must contain the Board's findings. This is to include a brief, but concise summary of information obtained through interviews and records that the Board determines to be directly relevant to the service or conduct of the employee. If a verbatim recording of the Board's interview of the employee is made, a copy of the transcript of the recording, and other pertinent documents or exhibits, will be appended to the Board action. The employee, on request, will be furnished a copy of the transcript of the verbatim recording and any summary report of the Board proceedings.
2. **RECOMMENDATION.** Item 6 will contain the recommendation of the Board.
3. **OTHER RECOMMENDATIONS AND ADDITIONAL REMARKS.** Item 9 will contain any other recommendations and additional remarks to support the recommendation in item 6.
4. **ACTION BY APPROVING AUTHORITY.** The designated official will indicate final approval or disapproval of a Board finding or recommendation for retention by completing items 14, 15, and 16. If the recommendation is modified, the Board's recommendation will be disapproved, with the annotation that a memorandum regarding the modification is attached. A memorandum relating to the modification will then be attached to the Board Action.

Authority: 38 U.S.C. 7403(b); 7304.

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**INSTRUCTIONS FOR FORWARDING PROBATIONARY
REVIEW MATERIAL TO VA CENTRAL OFFICE**

1. **WHERE TO SUBMIT.** All field facility recommendations for separation during probation requiring VA (Department of Veterans Affairs) Central Office summary review or approval (e.g., actions related to facility Directors and Chiefs of Staff and summary reviews for podiatrists and optometrists) are to be sent to the appropriate Field Support Office (13___/054D). For VA Central Office employees, such recommendations are to be forwarded through the appropriate Assistant or Associate Chief Medical Director to the Director, VA Central Office Human Resources Management (055).

2. **CONTENTS OF FORWARDED FILE.** The material forwarded will include the Official Personnel Folder, Director's recommendation (where appropriate) and any other applicable comments; VA Form 10-2543, Board Action, (in duplicate); one copy of all related documents, including one copy of all Proficiency Reports prepared during the probationary period; and the employee's Official Personnel Folder.

Authority: 38 U.S.C. 7403(b); 7304.

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SAMPLE NOTICE OF SUMMARY REVIEW

FOR OFFICIAL USE ONLY

(Employee Name)
(Service)
VA Medical Center
(City), (State) (Zip)

SUBJECT: Summary Probationary Review and Convening of _____ (type of Board)
PSB (Professional Standards Board)

1. This is to notify you that a PSB will be held on _____ (Date) at _____ (Time) in _____ (Place) to conduct a summary review of your employment during your probationary period and make recommendations concerning your retention in or separation from the Veterans Health Administration. The review is being held pursuant to 38 U.S.C (United States Code) section 7403(b), and will be based upon available records and information furnished by you and others who may be called by the PSB.

2. The PSB is to review the following alleged deficiencies in your performance (and/or conduct, if appropriate): (Insert reasons for the review. The statement of reasons should be brief, but in sufficient detail for the employee to clearly understand why he or she may not be considered fully qualified and satisfactory.)

3. You are entitled to:

a. Review documents relied upon in initiating or recommending this summary Board review, subject to applicable disclosure restrictions;

b. An impartial review by the PSB;

c. Respond orally and/or in writing to the PSB concerning the reasons for the review; and

d. Be represented by an individual of your choice, provided the choice would not create a conflict of interest. This is not an adversarial proceeding, so your representative's role will be limited to assisting you in exercising your right to respond orally and/or in writing to the reasons for

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the review. However, any response to a request for information from the PSB during its review is considered a part of your reply. Accordingly, your representative may assist you in these matters.

4. Please notify me by (insert date normally no less than 3 workdays before the Board review date) whether you will attend the PSB meeting in person, submit a written statement, or both. Please include in your notice the name, address, and occupation of your representative, should you choose to have one. If you wish to submit a written statement to the Board, it is also to be submitted to me by the above date.

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5. After review, the PSB will forward its recommendations to the Director, or designee, for final decision. If the PSB finds you not to be fully qualified and satisfactory, your separation will be recommended. You will be advised of the results of this review in writing.

6. Additional information about these procedures may be obtained by contacting (insert name of the appropriate human resources manager), at extension _____.

(Signature)

Name (of Chairperson)
Chairperson,
Professional Standards Board

NOTE: As indicated in paragraph 4.09 j, above, approving officials are responsible for ensuring adherence to the required procedures and time standards for VA initiated reporting of separated licensed healthcare employees to license monitoring entities as prescribed in VHA Manual M-2, Part I, Chapter 34.

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SAMPLE LETTER OF ADMONISHMENT

(Use Appropriate Letterhead)

In Reply To: (Ref. Sym.)

FOR OFFICIAL USE ONLY

(Employee Name)
(Service)
VA Medical Center
(City), (State) (Zip)

SUBJECT: Admonishment

1. You are hereby admonished for (example: being absent without leave for 8 hours on [date] without the required authorization by your supervisor.)

2. A copy of this admonishment and any written reply that you wish to make will be filed in your Official Personnel Folder. This admonishment may remain in your folder from 6 months to 2 years, depending on your future conduct. It will be destroyed when it is withdrawn. (For admonishments of patient abuse, substitute "...may remain in your folder as long as you are with the Department of Veterans Affairs, or it may be withdrawn and destroyed at any time after 2 years, depending on your future conduct.")

NOTE: Use the following paragraph for all penalty actions related to professional conduct or competence, and penalty actions for reasons other than professional conduct or competence if the employee is not covered by a negotiated grievance procedure.

3. If you believe that this admonishment is unjustified, you may appeal the action under the VA grievance procedure. Your formal grievance must be submitted through your supervisor within 15 calendar days after you receive this admonishment. For further information about the VA grievance procedure, you may consult the Chief, Human Resources Management.

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(Signature and Title of appropriate
official)

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SAMPLE LETTER OF REPRIMAND

(Use Appropriate Letterhead)

In Reply To: (Ref. Sym.)

FOR OFFICIAL USE ONLY

(Employee Name)
(Service)
VA Medical Center
(City), (State) (Zip)

SUBJECT: Reprimand

1. You are hereby reprimanded for (example: being absent without leave for 8 hours on [date] and 8 hours on [date]. Your absence on both of these occasions was not authorized by your supervisor as required.)

2. A copy of this reprimand and any written reply that you may wish to make will be filed in your Official Personnel Folder. This reprimand may remain in your folder from 2 to 3 years, depending on your future conduct. It will be destroyed when it is withdrawn. (For reprimands for patient abuse, substitute "...may remain in your folder as long as you are with the Veterans Health Administration, or it may be withdrawn and destroyed at any time after 3 years, depending on your future conduct.")

NOTE: Use the following paragraph for all penalty actions related to professional conduct or competence, and penalty actions for reasons other than professional conduct or competence if the employee is not covered by a negotiated grievance procedure.

3. If you believe that this reprimand is unjustified, you may appeal the action under the VA grievance procedure. Your formal grievance must be submitted through your supervisor within 15 calendar days after you receive this reprimand. For further information about the VA grievance procedure, you may consult the Chief, Human Resources Management.

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(Signature and title of appropriate
official)

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