



DEFENSE HEALTH AGENCY
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DHA-Policy Memorandum 23-002
September 19, 2023

MEMORANDUM FOR: SEE DISTRIBUTION LIST

SUBJECT: Repeal of 2-Year Probationary Period

- Reference:
- (a) DoD Directives 5136.01, "Assistant Secretary of Defense for Health Affairs (ASD(HA))," September 30, 2013, as amended
 - (b) DoD Directive 5136.13, "Defense Health Agency," September 30, 2013, as amended
 - (c) DHA-Procedural Instruction 5025.01, "Publication System," April 1, 2022
 - (d) Deputy Assistant Secretary of Defense for Civilian Personnel Policy Memorandum, "Repeal of the 2-Year Probationary Period," December 23, 2022¹
 - (e) United States Code, Title 10
 - (f) United States Code, Title 10, Section 1599(e)
 - (g) Assistant Secretary of Defense Memorandum, "Probationary Period for New Employees," September 27, 2016
 - (h) Frequently Asked Questions: Repeal of the 2-Year Probationary Period in the DoD²
 - (i) United States Code, Title 5

This Defense Health Agency (DHA)-Policy Memorandum, based on the authorities of References (a) and (b), and in accordance with the guidance of References (c) through (i), repeals the 2-year probationary period implemented in Fiscal Year 2016. Section 1106 of National Defense Authorization Act for Fiscal Year 2022, Public Law (PL) 117-81, repeals Title 10 United States Code (U.S.C.) Section 1599e, probationary period for employees, thereby discontinuing the use of the 2-year probationary period in the Department of Defense (DoD), effective December 31, 2022. Individuals newly appointed to permanent positions within the competitive service in DoD or receiving career appointments in the Senior Executive Service (SES) (covered employees) on or after December 31, 2022, will be subject to a 1-year probationary period. Covered employees currently serving a 2-year probationary period will not be impacted and will continue to serve the duration of their 2-year probationary period.

The term "covered employee" means an individual:

- (1) Appointed to a permanent position within the competitive service in the DoD;

or

¹ This reference can be found by contacting the Policy and Program Branch at J-1 at: dorethea.a.edwards.civ@health.mil

² This reference can be found by contacting the Policy and Program Branch at J-1 at: dorethea.a.edwards.civ@health.mil

(2) Appointed as a career appointee (as that term is defined in Section 3132 of Reference (i)) within the SES in the DoD.

Prior Federal experience counts toward the completion of a probationary period when the prior service meets all the following conditions: in the same agency (i.e., DHA), in the same line of work (determined by the actual duties and responsibilities) and contains or is followed by no more than a single break in service that does not exceed 30 calendar days. Supervisors must (1) notify the impacted employees, (2) provide impacted employees a copy of this DHA-Policy Memorandum, (3) inform employees of how the legislative change effects their condition of employment, and (4) ensure that future vacancy announcements are properly annotated. Employees must receive notification within 7 business days of supervisory receipt of this DHA-Policy Memorandum.

Standard Form 50, Notification of Personnel Action, for new appointees should be properly annotated based upon the effective date of the appointment. To assist with this transition, frequently asked questions in Reference (h) are provided to address common questions.

This DHA-Policy Memorandum is cleared for public release and is available on the internet from the Health.mil site at: <https://health.mil/Reference-Center/Policies> and is also available to authorized users from the DHA SharePoint site at <https://info.health.mil/cos/admin/pubs/SitePages/Home.aspx>.

Please address questions regarding this DHA-Policy Memorandum to the Branch Chief, Human Capital Division, Policy and Programs Branch, Ms. Antionette Watson. Ms. Watson may be reached at (703) 681-2282 or antionette.d.watson.civ@health.mil.

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