



NAGE General Guidance Concerning the Termination of Probationary Employees¹ 2/20/2015:

As part of its larger effort to purge government employees while cutting off services to the American public, the Trump administration is terminating probationary employees, whether they are new to federal service or serving a new probationary period as the result of a promotion, at an unprecedented rate. Thousands of employees have been fired at many agencies, and we believe there are likely more probationary terminations to come.

NAGE has prepared this general guidance to assist locals and probationary members in determining the next steps – whether members have been terminated or fear they might be.

1. Probationary Employees Should Obtain Copies of Their OPF, SF-50s, Performance Records, PAY & LES Statements, Etc.

- Employees who have been terminated may have difficulty accessing information.
- Employees should review their records for accuracy.
- If terminated, employees should ensure they have a copy of any notice letters.

2. Probationary Employees Should Confirm Their Status/Review SF-50s.

- Competitive Service – Typically serve a one-year probationary period.
- Excepted Service - Probationary can last up to two years. Additionally, preference-eligible veterans may qualify for certain benefits, including a shorter probationary period or enhanced appeal rights, compared to non-preference eligibles.
- Prior Federal Service – may tack on to your current services depending on several factors.

3. If a Probationary Employee is Fired.

- **Health and Life Insurance**
 - Similar to COBRA in the private sector, employees can continue FEHB insurance for up to 18 months but must pay full premiums and an administrative fee. See [OPM Guide - FEHB Leaving Federal Service](#)
 - Employees married to another federal employee can be added to the spouse's plan outside Open Season.
 - FEHB can be extended for 31 days at no cost and possibly converted to a self-funded plan. See [31-Day Extension of Coverage and Conversion](#)
 - An employee's life insurance continues for 31 days.

¹ Please note that this information is general in nature. It is not a substitute for individualized legal advice, nor does it create an attorney-client relationship with respect to any specific case.

- **Unemployment Compensation/Insurance**

- Employees may qualify for unemployment. Employees should check with the State where the employee's assigned work is headquartered, not necessarily the employee's state of residence, to determine benefits, requirements, and application processes. For More Information – Please see [DOL's UCFE Guide](#)

4. Do Probationary Employees Have Appeal Rights?

While probationary employees do not have the same appeal rights as permanent employees, they can file **ONE** of the following²:

- Appeal to the Merit Systems Protection Board (MSPB) within 30 days:
 - Typically - if their termination was not required by statute and:
 - They allege that their termination was based on partisan political reasons or
 - They allege that their termination was based on marital status.
 - See: [MSPB Probationary FAQs](#)

James & Hoffman Law Firm
Class Action MSPB Mass Termination of Probationary Employees

- Appeal to the MSPB within 30 days by participating in a proposed class action at the MSPB, alleging the mass termination of federal employees is an unlawful Reduction in Force. For more information see <https://federalworkerrights.com/email-to-terminated-probationary-employees/>

Password: fedemployeelawsuit

- File a complaint with the Office of Special Counsel (OSC) if they believe their termination was a prohibited personnel practice under 5 U.S.C. § 2302(b), such as reprisal for protected whistleblowing. See [OSC PPP](#)
- File a complaint with the Equal Employment Opportunity Commission (EEOC) within 45 days if they believe they were removed because of retaliation based on protected EEO activity or discrimination based on race, color, religion, sex, national origin, age, or disability. See [EEO Federal Sector Processing Guide](#)
- Possibly file a grievance.

Not all NAGE/IBPO contracts allow for grievances related to the termination of probationary employees. Any arbitrator reviewing a grievance would likely have to apply the same standards as the MSPB or EEOC. If any local believes their CBA may have been violated, please get in touch with your NAGE National Representative. Contract timelines apply.

5. Ongoing Litigation Not Directly Related to Employee Individual Appeal Rights:

² There is no guarantee as to the outcome of any option elected and appeals may take years to resolve.

- There are several administrative and court actions related to the Trump administration's actions to reshape the federal government. For a general litigation tracker, please see [Just Security Litigation Tracker](#).
- On 2/14/2025, Democracy Forward, [filed](#) a complaint with the U.S. Office of Special Counsel (OSC) alleging that the mass terminations constitute multiple prohibited personnel practices and are therefore invalid under the law. OSC is currently evaluating the complaint

6. Additional Resources:

- <https://www.justsecurity.org/107230/federal-employee-rights-probationary-faqs/>
- <https://protectdemocracy.org/wp-content/uploads/2025/02/Termination-of-Probationary-employees.pdf>
- <https://www.opm.gov/policy-data-oversight/employee-relations/employee-rights-appeals/#url=Appeals>
- <https://federalnewsnetwork.com/hiring-retention/2025/02/there-is-help-for-probationary-employees-who-were-terminated/>
- <https://www.civilservicestrong.org/resources/probationary-and-trial-period-mass-terminations>