her former Federal service. A reemployed annuitant serves at the pleasure of the appointing authority.

Subpart C (Reserved)

Subpart D—Removal of Career Appointees During Probation

§ 359.401 General exclusions.

This subpart does not apply to the removal of a career appointee during probation when—
(a) The action is initiated under 5 U.S.C. 1206(g) or 5 U.S.C. 7542;
(b) The removal is effected under subpart C of this part for failure to be recertified; or
(c) The appointee is a reemployed annuitant. See subpart I of this part for removal of a reemployed annuitant.

[56 FR 172, Jan. 3, 1991]


(a) Coverage. This section covers the removal of a career appointee from the SES during the probationary period for unacceptable performance.
(b) Basis for action. A removal under this section need not be based upon a final rating under the agency’s SES performance appraisal system established under subpart C of part 430 of this chapter. Even if a removal is based on such a rating, the removal action is taken under this section.
(c) Procedures. The agency shall notify the appointee in writing before the effective date of the action. The notice shall, as a minimum—
(1) State the agency’s conclusions as to the inadequacies of the appointee’s performance;
(2) State whether the appointee has placement rights under § 359.701 and, if so, identify the position to which the appointee will be assigned; and
(3) Show the effective date of the action.

§ 359.403 Removal: Conduct.

(a) Coverage. This section covers the removal of a career appointee from the SES during the probationary period for misconduct, neglect of duty, malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function.
(b) Basis for action. The appointee must have been identified for removal from the SES under competitive procedures established by the agency in accordance with the requirements of 5 U.S.C. 3595(a). Removal action shall be taken under 5 U.S.C. 3592(a).