

The following will provide information on procedures for:

- Probationary Periods and Regular Status
- Extending the Probationary Period
- Removal of Employee from Class During Probationary Period

Probationary Periods and Regular Status

Counting Time Toward the Probationary Period

Time served (up to six months) in a short-term appointment can be counted toward an employee's probationary period, if the employee is appointed to the same position, but one that has eligibility for probationary status. The intention to count the time must be documented on the employee's offer letter and/or appointment status form for the new appointment. For example, if an employee is performing in a job at the "Achieves" level at the end of a short-term appointment, the supervisor may determine a full six-month probationary period will not be necessary. However, this does not prevent the probationary period from being extended or the employee from being removed from the position prior to the probationary end date, as outlined below.

If the entire six months is counted by the department, the employee will be appointed to the position (except for law enforcement classes) with regular status.

Regular Status

Regular status is earned in a class after the employee completes the probationary period with an overall performance rating of "Achieves" or higher. Such status in the class is retained throughout the period of continuous employment at the university in a Staff class. Therefore, an employee who is promoted, demoted, or receives a change in assignment to a class in which regular status has already been earned will be appointed to that class with regular status.

Regular status in a class entitles the employee to remain in the class, grieve adverse action, and accumulate retention points to be used in the event of a layoff. A regular status employee cannot be involuntarily removed from the class without "just cause." Just cause includes, but is not limited to, failure to meet performance standards/expectations and non-compliance with policies, procedures, and work standards.

Evaluations

First-time appointees to Staff classes will receive a probationary evaluation at the end of their probationary period for the class. A probationary evaluation is required for both initial and subsequent probationary periods when an employee enters a class in which he/she does not have regular status. An exception to this requirement is discussed under Extending the Probationary Period (below). If an evaluation is not prepared and presented to the employee prior to the end of the probationary period, the employee will attain regular status in the class by default and the employee's overall performance rating will be considered to be at the "Achieves" level.

A supervisor may replace the default overall "Achieves" rating with a higher rating by submitting an evaluation to Human Resources (HR), along with written justification for the action, within 60 calendar days following the original due date of the evaluation.

If the supervisor deems a lower overall rating is appropriate after an "Achieves" rating is attained by default, a special evaluation covering a sufficient amount of time after the probationary end date can be prepared and presented to the employee.

Extending the Probationary Period

Probationary periods may be extended, not to exceed six or 12 (for law enforcement classes) months, with the approval of the appropriate dean/director/designee, for the following reasons:

- **Substandard Performance** - To afford an employee an opportunity to improve performance to a satisfactory level after a special evaluation with a substandard rating has been discussed with the employee and the supervisor believes the employee's performance should improve to an acceptable level within the extended period. If a substandard evaluation covers the entire initial probationary period, then the new probationary period must be an equivalent amount of time in order for the employee to attain regular status in the class.
- **Change in Assignment During the Probationary Period** - When there is a change in assignment of the employee to a different position in the same class. The employee and supervisor must sign the extension form at the time of the change in assignment requesting an extension and specifying the period of the extension. Such requests do not require approval by the dean/director/designee. The employee or supervisor waives his/her right to request such an extension if the request is not made at the time of the change in assignment.
- **Additional Training Time** - To allow an employee additional time for appropriate training or on-the-job experience to acquire the required competencies and/or knowledge. The justification should briefly outline the additional training or on-the-job experience that is needed.
- **Leave of Absence** – Due to an approved leave of absence of the employee or supervisor of more than 30 calendar days. The probationary period may be extended in the event of an approved leave of absence in excess of 30 cumulative days, with or without pay, for either the employee or supervisor. The approved extension may not exceed the period of the approved leave of absence. Extensions will not be granted for military leave of the employee.
- **Agreement Between Supervisor and Employee** - Mutual agreement between the supervisor and employee due to extenuating circumstances. An example of this may be the appointment of a new supervisor toward the end of the probationary period who has inadequate information to properly rate the employee.
- **Other Reasons** – In consultation with HR, the probationary period may be extended if it is determined to be in the best interest of the department and/or employee to do so. For example, a probationary period may be extended to afford an employee two weeks' notice if he/she will be terminated at the end of the probationary period.

To extend the probationary period:

- The decision to extend the probationary period must be communicated to the employee prior to the scheduled end date of the initial probationary period.
- Submit a completed and signed Extension of Staff Probationary Period form to HR.

Except when a supervisor extends an employee's probationary period because of substandard performance, a probationary performance evaluation should not be completed at the time the probationary period is extended but, instead, should be completed within the 30 calendar days preceding the new probationary end date.

Removal of Employee from Class During Probationary Period

An employee may be removed from a position at any time for any reason prior to completion of the probationary period, including reasons beyond the employee's control, such as departmental reorganization or placement of a regular status employee in the position due to business necessity. Removal from a position may involve a change in assignment, a demotion, or termination from the university. Consult with HR prior to removing an employee from a position. The type of action taken is influenced by whether or not the employee has regular status in another class.

Employee with Regular Status in Another Class

Removal will be in accordance with the provisions specified under Staff Performance Management Procedure/Substandard Evaluations for performance-related issues or the Staff Progressive Discipline Procedure for behavioral issues. Approval from HR is required to terminate an employee with regular status.

Substandard Performance - Probationary employees with regular status in another class whose performance is not progressing satisfactorily may be removed from the class (by change in assignment, demotion, or dismissal) only after having an opportunity to correct performance deficiencies.

1. Return to the previous class through placement action should occur before an evaluation with a substandard rating is provided, if:
 - The employee has regular status but not in the current class;
 - There is sufficient documented evidence the employee is not meeting the performance standards/expectations of the current position and this has been previously communicated to the employee;
 - The employee had acceptable performance in the former class; and
 - The former, or a comparable, position is available.

No later than one month prior to the probationary end date, consult with HR to determine if the conditions (e.g., employee's past record, status of incumbent in former position, availability of comparable position) warrant the return of the employee to the former class.

To return the employee to the former class:

- The department must notify the employee, in writing, of the performance deficiencies and standards/expectations that have not been met and the intention to return the employee to the former class.
 - HR will prepare the written notification to the employee returning him/her to the former class.
2. If the employee cannot be placed in the former class, the supervisor will:
 - Prepare a special evaluation reflecting the substandard performance within the 30 calendar day period preceding the probationary end date.
 - Request an extension of the employee's probationary period, as specified under Extending the Probationary Period (above).
 - Follow the steps for Substandard Evaluations in the Staff Performance Management Procedure.

Behavioral Issues - During the probationary period, the supervisor must work closely with the employee to ensure he/she is aware of work standards and behavioral expectations. Any violation of such standards or expectations should be documented in writing. The supervisor may counsel the employee or use a form of progressive discipline as appropriate for the specific circumstances. See the Staff Progressive Discipline Procedure for more information.

Employee without Regular Status in Any Class

Probationary employees without regular status in any class may be terminated for failure to meet the performance standards/expectations of their position or for behavioral reasons. An evaluation reflecting the substandard rating is not required to be prepared.

Prior to terminating a probationary employee who does not have regular status in any class, the following should be considered:

- Has the employee been provided with performance standards/expectations and adequate training, and are the expectations understood?
- Has the employee received regular feedback and coaching?
- Have the employee's efforts been redirected to help him/her meet standards in areas where problems exist?
- For behavioral problems, has the employee been informed of applicable policies, procedures, and behavioral expectations and counseled concerning the problems?
- Has an assessment been made whether extending the probationary period could help resolve the problem?

Substandard Performance - If the employee's performance is not progressing satisfactorily by the end of the probationary period or extended probationary period, the employee will be removed from the class. The employee may be removed from the class at any time prior to the completion of the probationary period when it can be substantiated the employee is not making sufficient progress and his/her performance is not likely to improve.

Behavioral Issues - During the probationary period, the supervisor must work closely with the employee to ensure he/she is aware of work standards and behavioral expectations. Any violation of such standards or expectations should be documented in writing. The supervisor may counsel the employee, use a form of progressive discipline, or terminate the employee, as appropriate for the specific circumstances.

Once the decision has been made to proceed with termination:

- Advise the employee of his/her termination with effective date and a concise summary of the reasons (e.g., for failure to meet performance standards, behavioral expectations, or job requirements; for other work-related reasons).
- Provide written notification. For sample language, see Notification of Termination During Initial Probationary Period form.
- When feasible, give two weeks' notice prior of termination. The employee will be expected to continue to work, although alternate duties may be assigned. Less notice may be given when it is in the best interest of the university.
- Attach a copy of the notification of termination to the appointment status form and submit to HR.