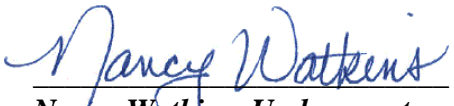


PPM #32

Policy Name: *Probationary Period and Permanent Status*
Effective Date: *April 1, 2004*
Revision Date: *April 7, 2011; December 1, 2011; April 24, 2013,
August 23, 2018; October 22, 2019*

Authorization: 
Nancy Watkins, Undersecretary

This memorandum cancels and supersedes all other memoranda and policies on this subject, including the Job Offers to Permanent Employees (revised 4/1/2004) policy and Inter-Agency Promotion policy (issued 1/1/2001).

PURPOSE

The purpose of this policy is to outline the guidelines for classified employees relative to probationary periods and the attainment of permanent status.

APPLICABILITY

This policy shall apply to all classified employees of the Office of the Lieutenant Governor (OLG) and the Department of Culture, Recreation and Tourism (DCRT).

POLICY

A. Probational Appointments

1. Overview

The probationary period shall be an essential part of the examination process and shall be used for the most effective adjustment of a new employee to the job and for the separation of any probationary employee whose performance does not meet the required standard of work.

In accordance with Civil Service Rule 9.1(a), the probationary period can be no less than six (6) months and no more than twenty-four (24) months. To ensure proper utilization of this time, it is the policy of OLG/DCRT to use no less than a twelve (12) month probationary period, unless approved otherwise by the Deputy Secretary or Undersecretary.

2. Guidelines

Probationary appointments are required as follows:

- a) An applicant who does not currently possess permanent status in the classified service must serve a probationary appointment.

- b) An applicant who possesses permanent status by virtue of employment with another State agency is required to forfeit his/her permanent status to accept a probationary appointment with OLG/DCRT. Any such applicant who accepts a probationary appointment job offer must sign the Pre-Employment Statement of Acceptance attached hereto confirming his/her understanding of the nature of the conditional job offer.

At the Appointing Authority's discretion, an employee of another State agency who is serving with permanent status and who promotes, transfers, reassigns or demotes to a position with OLG/DCRT may not be required to forfeit his/her permanent status only if an exception is granted. Any request for such an exception must be made in writing to the Appointing Authority prior to the effective date of the employee's appointment to the position at OLG/DCRT. If allowed to retain permanent status, the Appointing Authority must mark the box next to "Permanent" for the Appointment Type on the Personnel Authorization Form (301).

3. Separation

A probationary employee may be separated by the Appointing Authority at any time, without cause, during the probationary period.

Civil Service Rule 9.2(c) requires that any employee who has not met the required standard of work within the maximum twenty-four (24) month probationary period be separated from service by the Appointing Authority.

B. Permanent Status

1. Overview

Permanent appointment of a probationary employee shall begin upon certification by the Appointing Authority that the employee has met the required standard of work during the probationary period.

2. Guidelines

Permanent status may be authorized as follows:

- a) Upon a probationary employee's first eligibility for permanent status, the Human Resources Division will provide the appropriate supervisor with a "Permanent Status Consideration" form. The supervisor must complete the form, indicating the desired action, and secure the Appointing Authority's approval. The Human Resources Division will process the desired action upon receipt of the approved form.
- b) At the Appointing Authority's discretion, a permanent status employee of OLG/DCRT who promotes, transfers, reassigns or demotes to another position within the agency may not be required to forfeit his/her permanent status. If allowed to retain permanent status, the Appointing Authority must mark the box next to "Permanent" for the Appointment Type on the Personnel Authorization Form (301). If the Appointing Authority requires the OLG/DCRT employee to forfeit his/her permanent status, the employee must sign the Pre-Employment Statement of Acceptance attached hereto.

- c) Probationary employees who are evaluated as “Needs Improvement/Unsuccessful” on their official PES evaluation are not eligible for permanent status until evaluated as “Successful” or the equivalent. A probationary employee who fails to satisfy expectations shall be separated from employment prior to the expiration of the probationary period.

RESPONSIBILITIES

Managers and supervisors involved in the hiring process must clearly communicate at the time of a job offer whether the appointment will be permanent or probationary and the amount of salary being offered. In accordance with Civil Service Rules, a permanent employee may accept a probationary appointment without loss of promotional pay. Other pay rules may also be appropriately utilized, but must be approved by the Appointing Authority and Human Resources Director prior to making an offer.

Managers must ensure, after a probationary appointment job offer has been made and accepted, that a signed Pre-Employment Statement of Acceptance is completed and attached to the Personnel Authorization Form (301) before submission to the Appointing Authority for approval.

Appointing Authorities must ensure, prior to the hire date, that there is a signed Pre-Employment Statement of Acceptance for all probationary job offers before approving the Personnel Authorization Form (301). If the Appointing Authority has elected to allow an OLG/DCRT employee to retain permanent status when promoting, transferring, etc. to another position, he/she must mark the box next to “Permanent” for the Appointment Type on the Personnel Authorization Form (301).

CONSEQUENCES

Violations of this policy and Civil Service Rules can result in Civil Service audit findings. Moreover, when employees do not receive adequate information regarding the precise terms of a job offer, morale can be adversely impacted. Therefore, employees responsible for ensuring that the candidate is fully informed prior to employment who violate this policy may be subject to administrative disciplinary action.

QUESTIONS

Questions regarding this policy should be directed to the Human Resources Division.

EXCEPTIONS

Exceptions to this policy may be granted as deemed appropriate by the Undersecretary.

Summary of Changes: Revised policy number (December 1, 2011); modified the required approval for exceptions to the 12-month probationary period from the Appointing Authority to the Deputy Secretary or Undersecretary (April 24, 2013). Authorization Appointing Authority Signature, added waiver process for hires from other agencies, August 23, 2018; included impact of Needs Improvement performance reviews October 22, 2019.