
PROBATIONARY PERIOD

APPLICATION: Full-time, part-time and restricted classified employees.

PURPOSE Establishes guidelines for employees to serve an introductory period of employment to determine if the employee will be granted full classified status.

DEFINITIONS

Appointing Authority The employee's immediate supervisor.

Excepted Positions Positions that are not covered by the Virginia Personnel Act including positions in the Judicial and Legislative Branches of state government. Certain Executive Branch positions as specified in §2.2-2905 of the Code of Virginia, also are considered excepted.

Probationary Period Introductory period of employment that allows the employee and agency to determine if the employee is suited for the job. During the probationary period, employees may be terminated at the pleasure of the appointing authority, without access to the State Grievance Procedure. The normal probationary period is 12 months; however, it can be extended as described in this policy for up to 18 months for performance reasons, if an employee is absent for an extended period of time, or if an employee moves to another position within the last 6 months of the 12-month period.

Probationary Progress Review Form Form used to document the probationary employee's progress through the probationary period. Agencies may use the form located in Attachment A of this policy or develop an agency form that contains the same information.

PROBATIONARY PERIOD REQUIREMENTS

All persons who begin either original employment or re-employment in classified positions must serve 12-month probationary periods effective from the dates of their employment. This includes employees who transfer from excepted positions to classified positions.

EXCEPTIONS: Probationary periods are not required when an employee has been transferred from an excepted position to a covered position by action of the General Assembly, with no substantial change in work assignments.

New Probationary A person who is selected for a position that requires certification following completion of a prescribed training program must

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Period Required

complete a new probationary period. Agencies should identify positions having such requirements in their Agency Salary Administration Plans.

Notification Of New Probationary Period

Recruitment announcements for positions that require new probationary periods must include this requirement. Offer letters or other written employment notification also must include information about the additional probationary requirement, as appropriate.

An employee who is promoted within the same agency to a higher position that requires serving another probationary period shall be offered to be returned to his/her previous position or an equivalent vacancy if the probationary period is not completed for any reason other than misconduct Code of Virginia §2.2-2812.

Agencies also may provide such consideration to employees who voluntarily transfer to positions requiring new probation periods.

**EXTENDED
PROBATIONARY
PERIOD****Performance Reasons**

Probationary periods may be extended for up to 6 additional months for performance reasons. The reasons for the extensions must be documented on a Probationary Progress Review form (see Attachment A) or an alternate form designed by the agency. Reviewers must approve extensions of the probationary period for performance reasons.

Documentation used by the agency to support extending the probationary period must provide information to the employee about the performance deficiencies, expected level of performance and the period for which the probationary period is extended.

Leave

Probationary periods must be extended when probationary employees are on any leave with or without pay, including Workers' Compensation, Family Medical Leave, Military leave with or without pay, or on VSDP (Virginia Sickness and Disability Program) short-term disability (STD) leave or long-term disability (LTD)-working status for more than 14 consecutive calendar days. Also included are periods of short-term disability where the employee is working in an "active employment" status with restrictions/modifications.

Extensions include the first 14 days of absence, as well as those days in excess of 14, up to the return to work date.

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**Change Of Position
During Probation**

First Six Months When a probationary employee moves to a different position during the first 6 months of the probationary period, the remainder of the 12-month requirement must be completed. (However, the probationary period also may be extended for performance or leave reasons as described above.)

Second 6 Months If an employee moves to a new position during the last 6 months of his/her probationary period, the employee's probationary period may remain as the original 12 months or may be extended so that the new supervisor has the benefit of the full 12-month probationary period. However, the total time served in probationary status may not exceed 18 months (excluding any periods of leave that exceed 14 consecutive calendar days as described above).

Limit On Extension The total probationary period may not exceed 18 months, excluding periods of leave with or without pay as described above.

Notice Of Extension Employees must be notified in writing if their probationary periods will be extended for performance reasons or due to leave.

**PERFORMANCE
EXPECTATIONS**

Establishing Expectations The supervisor should establish performance expectations for each new employee. This plan should be established within the first 30 days of employment. (See Policy 1.40, Performance Planning and Evaluation.)

Performance Feedback And Documentation It is strongly recommended that supervisors provide feedback to or evaluate new employees' performance frequently during the probationary period. An interim Probationary Review Form (or agency form) may be completed at any time during the probationary period to document the employee's progress or to provide feedback to the employee. Any forms used for this purpose should be clearly marked as interim evaluations.

Documentation of an employee's progress during the probationary period, such as memoranda or interim evaluations, should be kept in a confidential supervisor's file separate from an employee's official personnel file. Employees should be provided copies of interim evaluations and they are permitted to access any other documentation of their work performance.

**PROBATIONARY
PROGRESS
REVIEWS****6 Months**

The supervisor should meet with the probationary employee at 6 months to advise the employee of his or her progress toward meeting established performance plans. The supervisor should review with the employee:

- the performance plan that was discussed at the beginning of employment (see Policy 1.40, Performance Planning and Evaluation); and
- a Probationary Progress Review form (or agency form), which the supervisor has completed based on the employee's performance to date. (A rating of "Contributor" indicates satisfactory performance.)

NOTE: Decline in performance or unsatisfactory performance following a satisfactory 6 month performance review, or at any time during the probationary period, may be a basis for termination.

End Of Probation

The supervisor should meet with the probationary employee approximately 3 weeks prior to the completion of his or her probationary period and provide a progress review. The Probationary Progress Review (or agency) form is to be used for this formal progress review. However, agencies may choose to use the Employee Work Profile (or agency form) to evaluate the performance of employees who are at or near the end of their probationary period. (See section entitled "Performance Increases During the Probationary Period below and Policy 1.40, Performance Planning and Evaluation.)

Record Retention

The Probationary Progress Review (or agency) forms completed at 6 months and at the end of the probationary period are official forms that must be kept in the employee's personnel file. Interim Probationary Review Forms are maintained in the supervisor's file. These forms should be retained at least until completion of the review at the end of the probationary period.

**COMPLETION OF
PROBATION**

The supervisor should notify the employee in writing when the 12-month probationary period has been completed satisfactorily.

If a probationary employee works beyond a 12-month period without being notified (1) of satisfactory completion or (2) that the probationary period was extended, the employee will be regarded as having successfully completed the probationary

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**Continued
Employment Not
Guaranteed**

requirement.

Satisfactory completion of the probationary period entitles the employee to certain rights as set forth in the policies in this manual; however, it does not guarantee the employee continued, permanent employment.

**TERMINATION
OR DISCIPLINARY
ACTION**

If the agency determines at any time during the probationary period that an employee is not suited for the job, the employee should be terminated or allowed to resign. Records related to termination must reflect "Unsatisfactory performance during the probationary period" or "Resignation."

Prior to, or in lieu of, termination, probationary employees may be disciplined (using Standards of Conduct, Policy 1.60, as a guide, since Policy 1.60 does not apply to probationary employees). Written Notice forms may not be issued when disciplining probationary employees.

Notice of termination should be in writing by memorandum or letter, not by a Written Notice form under the Standards of Conduct Policy, No. 1.60. If notification must be made by mail, it should be sent by certified or registered mail.

NOTE: Any employee who is promoted within the same agency to a higher position that requires serving another probationary period shall be offered to be returned to his/her previous position or an equivalent vacancy if the probationary period is not completed for any reason other than misconduct Code of Virginia §2.2-2812 (B). Agencies also may provide such consideration to employees who voluntarily transfer to positions requiring new probation periods.

Probationary employees do not have access to the grievance procedure.

A probationary employee who claims that termination or other disciplinary action was based on race, sex, color, national origin, religion, sexual orientation, *gender identity*, age, veteran status, political affiliation, *genetics*, or disability may file a discrimination complaint with the Office of Equal Employment Services in the Department of Human Resource Management or other agencies as appropriate.

Policy amended January, 11, 2014 per Executive Order Number 1 (2014) Equal Opportunity.

**PERFORMANCE
INCREASES DURING
THE
PROBATIONARY
PERIOD**

Increases for probationary employees must be based on their most recent Probationary Progress Review ratings. Ratings must be at the Contributor level to be eligible for performance increases, as outlined below. Increases, if awarded, become effective on November 25. (See Policy 1.40, Performance Planning and Evaluation.)

- Employees who are hired or re-hired between October 25 and July 24, must have performance evaluations completed between August 10 and October 24.
- Agencies may choose to complete performance evaluations on employees hired or re-hired between July 25 and October 24.
- Probationary employees will be evaluated on the Probationary Progress Review form or agency-developed form. However, agencies may choose to use the EWP (or agency form) to evaluate the performance of employees who are at or near the end of their probationary periods.
- Any form used to support a performance increase will be retained in the employee's official personnel file.
- An employee's overall performance must be rated at the Contributor level or above to receive a performance increase.

Probationary employees will be eligible to receive performance increases on the performance increase effective date as indicated below.

<u>Hire or Rehire Date</u>	<u>Percentage Increase Based on Established Rate</u>
Oct. 25 – Jan. 24	100% of rate for Contributor or Extraordinary Contributor
Jan. 25 – Apr. 24	0 or 75% of rate for Contributor
Apr. 25 – July 24	0 or 50% of rate for Contributor
July 25 – Oct. 24	0 or 25% of rate for Contributor

Employees rated below “Contributor” will not be granted performance increases.

**Employees Serving
New Probationary
Periods**

Increases for employees who are serving new probationary periods due to position requirements will follow the guidelines for continuing employees set forth in Policy 1.40, Performance

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Planning and Evaluation.

**AGENCY SALARY
ADMINISTRATION
PLANS**

Each agency's probationary practices, including alternative forms developed by the agency for evaluation or feedback purposes, must be described in their Agency Salary Administration Plan.

AUTHORITY

The Department of Human Resource Management issues this policy pursuant to the authority provided in Chapter 12, Title 2.2 of the Code of Virginia.

This policy supersedes Policy 1.45, Probationary Period, issued February 16, 2001.

INTERPRETATION

The Director of the Department of Human Resource Management is responsible for official interpretation of this policy, in accordance with §2.2-1201 of the Code of Virginia.

Questions regarding the application of this policy should be directed to the Department of Human Resource Management's Office of Compensation and Policy.

The Department of Human Resource Management reserves the right to revise or eliminate this policy.

RELATED POLICIES

Policy 1.40, Performance Planning and Evaluation
