

# Chapter 9: Probationary Period

---

## Overview

One of the primary goals of a Civil Service System is to hire and retain the best available people based on the quality of their work. To ensure that new employees have the skills needed to perform their duties well, they are required to serve a trial period referred to as a Probationary Period.

During this Probationary Period, an employee may be separated at any time. The agency is not required to tell the probational employee why he is being separated. The employee can only appeal to the State Civil Service Commission if the separation was based on his race, sex, religion or political beliefs, or a Civil Service Rule violation.

The Rules in this chapter govern the terms of Probationary Periods and which employees must serve them.

## HR Impact – The Importance of Permanent Status

An employee's status, i.e. probational, permanent, or temporary, determines some extremely critical conditions of his employment. An employee on probation is "on trial" to be sure he can successfully perform all the duties of the position. An employee who is not granted permanent status by the end of his probation period must be separated.

An employee who is granted permanent status gains eligibilities and rights that a probational or temporary employee does not have. Most significant among these are the right to due process and the right to appeal to the Commission. Permanent employees also have the right to request a review by an Agency Review Panel of an "Unsuccessful" performance evaluation. An employee must have been granted permanent status to be eligible for a promotion or to receive certain types of optional pay.

It is critical for agencies to use probationary periods to evaluate the performance of new hires, to separate those who do not meet standards, and to ensure that those who perform well are granted permanent status in accordance with the Civil Service Rules.

## Rule-By-Rule Review

### Rule 9.1 Probationary Period

(a) A probationary period is part of the selection process. A probational employee whose work does not meet the performance standards for the position should be separated. The minimum probation period allowed is six months, the maximum is two years. (An employee hired on a temporary appointment, such as a job appointment, does not serve a probation period.) An employee appointed to a permanent position by any of the following means must serve a probationary period:

1. Appointment from an open competitive eligible list.
2. Noncompetitive appointment under [Rule 23.3](#) (Voc-Rehab clients, out-of-state positions, 3.5 GPA candidates)
3. Noncompetitive reemployment of an employee who held a permanent position in the past ten years. (See [Rule 23.13](#).)

(b) An employee who has been granted permanent status may be promoted, transferred, reassigned or demoted to another position without serving a new probationary period.

(c) An agency may choose to advertise a vacancy as a probational appointment only. An employee already on probation or an employee with permanent status who accepts such an appointment must start a new probationary period.

(d) An employee who is laterally transferred, reassigned or demoted while on probation does not have to start a new probation period; the original probation period continues.

(e) An employee on probation can be separated at any time.

(f) A person who is reemployed from a Department Preferred Reemployment List is not required to serve a probationary period; he is appointed with permanent status.

(g) Probation for parttime employees is the same as for full-time employees. That is, a parttime employee is on probation for six- to 24-calendar months, counted from the effective date of the appointment.

(h) When an appointing authority fills a vacancy with an employee who has held a job appointment for at least 24 months in the same position or in another position with the same job title at the same agency, the employee may be granted permanent status without serving a probationary period.

## **Rule 9.2 Permanent Appointment Following Probationary Period**

(a) The appointing authority must certify that the employee has met the required standard of work during the probationary period before an employee can be granted permanent status.

(b) An employee's permanent status must be reported to the Director of State Civil Service.

(c) If the appointing authority does not certify the employee as permanent at the end of the twenty-four months of probation, the employee must be separated.

**NOTE:** It is critically important for HR to be proactive in monitoring employees' probationary periods and alert supervisors/appointing authorities of the date on which employees must either be granted permanent status or be separated and ensure that action occurs prior to the deadline.

(d) Employees with a current overall performance evaluation rating of "Needs Improvement" or "Unsuccessful" are ineligible to attain permanent status.

### **Rule 9.3 Interruption of Probationary Period for Military Purposes**

An absence for active military leave of more than thirty (30) days does not count toward an employee's probationary period. Upon return from such an absence, the employee resumes the probationary period from the point he left. If an employee is on active military leave for thirty (30) days or fewer, those days will count towards the employee's probationary period.

### **Rule 9.4 Repealed**

### **Rule 9.5 Concurrent Full-Time Status**

An employee cannot have permanent status or gain other property rights in more than one full-time position at a time.

## **Procedures**

### **Reporting Changes in Employee Status**

Changes in an employee's status, e.g. probational to permanent, must be reported to State Civil Service in the same manner as all other personnel actions. See [Chapter 15: Effecting and Reporting Actions](#).