

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*

Authorization: 
Charles R. Davis, Deputy Secretary

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).

PUPROSE

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.

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.

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 insure, 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 insure, 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 insuring 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 Deputy Secretary.

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).

**JOB OFFERS TO PERMANENT STATUS EMPLOYEES
STATEMENT OF POLICY AND
PRE-EMPLOYMENT STATEMENT OF ACCEPTANCE**

It is the policy of the Office of the Lieutenant Governor (OLG) and Department of Culture, Recreation and Tourism (DCRT), when a job offer with probationary status is made to an applicant who has already obtained permanent status within the classified service, that the applicant sign the following Pre-Employment Statement of Acceptance acknowledging:

- The starting salary of the position;
- That the appointment will be probationary; and
- That he/she will serve a probationary period of no less than twelve (12) months and no more than twenty-four (24) months, unless an exception is otherwise approved by the Deputy Secretary or Undersecretary.

PRE-EMPLOYMENT STATEMENT OF ACCEPTANCE

I, _____, understand that I have accepted the position of _____ with probationary status at a starting salary of _____ bi-weekly. I further understand that I must relinquish my permanent status to accept this job offer. I also understand that I must serve a probationary period of no less than twelve (12) months and no more than twenty-four (24) months. I further understand that, as a probationary employee, I do not possess a property right in this position, I serve with "at will" status, and that I may be separated, with or without cause, at any time during the probationary period pursuant to Civil Service Rule 9.1(e).

Employee Signature

Date

Witness Signature/Title

Date