



Administrative Procedure

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Supercedes:	
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Subject: PROBATION

1.0. PURPOSE:

To establish the policy and procedure governing the administration of the probationary period for nonacademic and administrative employees.

2.0. ORGANIZATIONS AFFECTED:

- 2.1. All organizational units of the University, excluding auxiliaries.
- 2.2. Important -- This procedure, or portions thereof, may be superseded by a contract between The California State University and an exclusive representative.

When referring to this procedure as it relates to actions affecting represented employees, consult the contract that applies to employees within the represented unit.

3.0. REFERENCES:

- 3.1. California Administrative Code, Title 5, Sections 43300-43302, 43580, 43580, 43588.1, 43588.2, 43588.3, 43585.
- 3.2. Education Code, Sections 89533, 89534.
- 3.3. University and Colleges Administrative Manual (UCAM), Sections 5311, 5314, 5321, 5324, 5260.01, 5260.02.
- 3.4. Office of the Chancellor Memoranda, FSA 76-79, FSA 77-46, FSA 78-78, FSA 82-12.
- 3.5. Cal State L.A. Administrative Procedure, "Performance Appraisals for Nonacademic and Administrative Employees."
- 3.6. Cal State L.A. Administrative Procedure, "Grievance Procedures."

Approved:

Date:

4.0. POLICY:

- 4.1. The California State University requires nonacademic and administrative employees to serve a probationary period of employment prior to receiving permanent status. A probation period is required for all new appointments, promotions, and reclassifications when the position duties are significantly changed.
- 4.2. Nonacademic employees shall serve a one-year probationary period. Administrative employees shall serve a two-year probationary period. Employees shall serve only one probationary period to gain permanent status in a classification.
- 4.3. The probationary period serves as the final step in selecting staff employees. The supervisor will monitor and appraise the employee's on-the-job performance and prepare formal, written appraisals at specified intervals and formally recommend permanent status or rejection during probation.
- 4.4. Administrative employees shall be provided formal, written notice of rejection as follows if it is determined that rejection is in the best interest of the University.
 - 4.4.1. Not less than fifteen days prior to the assigned date of separation following completion of six months of continuous service.
 - 4.4.2. Not less than thirty days prior to the assigned date of separation following completion of twelve months or more of continuous service.
 - 4.4.3. Not later than the last day of the probationary period, and not less than forty-five days prior to the assigned date of separation, following completion of eighteen months or more of continuous service.
- 4.5. Nonacademic employees should be given formal written notice of rejection not less than thirty days prior to the date the probationary period ends if it is determined that rejection during probation is in the best interest of the University.
- 4.6. This policy does not apply to employees in temporary positions. Employees in temporary positions are not eligible for permanent status.

5.0. DEFINITIONS:

- 5.1. Probation--The period of time in which supervisors must evaluate whether or not an employee fully meets the performance and behavioral expectations of the job. During the probation period, the employee may be released at anytime provided the employee has been informed of performance deficiencies.
- 5.2. Rejection During Probation—A departmental decision, approved by Personnel Management and Services, that the employee is not able to perform the job requirements at an acceptable level and a rejection during probation is in the best interest of the University. A rejection during probation may not be implemented while the probationary employee is on Industrial Disability Leave (IDL), Nonindustrial Disability Insurance Leave (NDIL) or a similar leave status. However, if the decision was made by the department and was approved by Personnel Management and Services prior to the incident that initiated the leave, the decision to reject may take place, or depending on specific circumstances, the Director of Personnel Management and Services may initiate the rejection upon the employee's return from the leave.
- 5.3. Temporary Position—A position that has a limited term of service due to budgetary restrictions, temporary service needs, or less than full-time employment. Temporary positions are not eligible for permanent status.
- 5.4. Transfer—A lateral move from one position to another position in the same classification. For example, the movement of a department secretary from one department to another. A transfer does not affect the probation period.
- 5.5. Reappointment After a Permanent Break in Service—An employee who has separated and subsequently is rehired must serve a new probationary period in the same manner as a new employee. However, employees reinstated from the following conditions are exempted from serving another probationary period:

Disability retirement

Military leave

Layoff

Industrial Disability Leave (IDL)

Medical dismissal, demotion, or reassignment

- 5.6. Permanent Break in Service (or “Interruption in Service)—A permanent break in service occurs when an employee is permanently separated from employment as a result of a voluntary resignation, rejection during probation, disciplinary dismissal, termination of a temporary appointment (provided the employee does not have retreat rights which are exercised), an automatic resignation, or a service retirement.
- 5.7. Ten/Twelve Pay Plan—Pay plan that allows certain classes of staff employees to have a reduced work schedule in order to conform with the work requirements of departments. Employees working in such a pay plan accrue time towards permanent status just as if their work year was 12 months. However, other voluntary reduced worktime programs do not allow for programs do not allow for probationary credit.
- 5.8. Time Base—A representation of the time the employee works. Full-time is expressed as “15/15” or “FT.” The portion of the time worked if less than full-time is expressed in a fraction (1/2, ¾, etc.). Time spent in a position that is less than full-time during the probationary period will not count towards permanent status.
- 5.9. Layoff and the Probation Period—If there is a lack of funds or work and a layoff occurs, the probationary employee will be laid off before any permanent employee in the same classification. Time of service in the class is not used to determine the order in which probationary employees are to be laid off. The criteria used for determining layoff of probationary employees shall be based on merit and competency as recorded on periodic performance appraisals in the employee’s personnel file. A probationary employee who is to be laid off has the right to return to a class in which the employee previously held permanent status if there was not a permanent break in service between the previous position and the current position. However, a probationary employee who is laid off without exercising his/her right to return to a former position will not have a “right” to subsequent reemployment.
- 5.10. Reduced Work Plans and Permanent Status—See Ten/Twelve Pay Plan.
- 5.11. Permanent Status—The right to continued employment unless dismissed for cause or laid off.
- 5.12. Staff Employees—Refers to nonacademic and administrative employees as defined in the CSU Salary Schedule.

6.0. RESPONSIBILITIES:

6.1. Supervisors will:

- 6.1.1. Closely observe the employee's on-the-job performance and behavior during the probationary period.
- 6.1.2. Measure performance and behavior against the duties and responsibilities detailed in the job description.
- 6.1.3. Prepare formal appraisals of employees' performance as outlined in the Cal State L.A. Administrative Procedure on "Performance Appraisals for Nonacademic and Administrative Employees."
- 6.1.4. Recommend permanent status or rejection during the probation period.

6.2. Department Administrators will:

- 6.2.1. Direct Supervisors to follow a uniform application of departmental probationary rating standards where such standards exist.
- 6.2.2. Take corrective action when bias or misinterpretation of probationary rating standards are evidenced in the ratings.
- 6.2.3. Check the statements made in support of probationary ratings of "unacceptable" or "outstanding" to see that reasons are specific, measurable, and accurate.

6.3. The Director of Personnel Management and Services will determine if rejection of an employee during probation is in the best interest of the University and determine the separation date.

6.4. Personnel Management and Services will:

- 6.4.1. Administer campus policies and procedures that pertain to probationary periods in compliance with State and Chancellor's Office legal and policy guidelines.
- 6.4.2. Assist departments in effectively utilizing the period to select quality employees.
- 6.4.3. Assist employees, when required or appropriate, in understanding and meeting their legitimate work requirements.

6.4.4. Authorize and effect the final steps necessary to reject employees during probation.

6.4.5. Determine if an employee being rejected has retreat rights and if the employee desires to exercise those rights.

6.5. Payroll Office will:

6.5.1. Keep accurate track of probationary periods being served.

6.5.2. Advise departments and Personnel Management and Services of unusual conditions, such as reduction in time base or time off pay status, affecting probationary periods.

6.5.3. Update the PIMS Employment History Data Base when the probationary period has been successfully completed.

7.0. PROCEDURES:

7.1. Supervisors will:

7.1.1. Monitor the employee's job performance at frequent, regular intervals during the probationary period.

7.1.2. Using the performance appraisal, measure employee's accomplishments periodically and inform the employee of his/her progress during the probationary period.

7.1.3. For nonacademic employees, decide whether or not the employee is meeting job expectations and recommend by the ninth month (or sooner) whether or not the employee will become permanent.

7.1.4. For administrative employees, decide whether or not the employee is meeting job expectations and recommend by the eighteenth month (or sooner) whether or not the employee will become permanent.

7.1.5. When performance is satisfactory, recommend permanent status on the third and final probationary performance appraisal.

7.2. The Payroll Office will:

7.2.1. Review the employee's employment history and payroll documents in the month prior to the pay period in which permanent status will be granted to determine if the probationary period was served in its entirety and on a full-time basis.

- 7.2.2. Contact Personnel Management and Services for resolution should any discrepancy in the information related to the probationary period arise.
- 7.2.3. On a monthly basis, enter the appropriate information to the PIMS Employment History Data Base for employees awarded permanent status.
- 7.3. When performance is unsatisfactory, the supervisor will take the following actions:
 - 7.3.1. Recommend disapproval of any six-month or other merit salary adjustment that occur during the employee's probation period. Approval of an MSA indicates that the employee's performance is satisfactory.
 - 7.3.2. Inform second level supervision and department administration that the employee is unable to meet performance expectations as soon as it is determined that rejection during probation may be the required action.
 - 7.3.3. Inform the Personnel Management and Services Employee Relations Manager that the employee is not meeting performance expectations.
- 7.4. The Employee Relations Manager, when contacted by the department or in the normal course of review of an unsatisfactory performance appraisal, will:
 - 7.4.1. Contact the supervisor to determine the specific problems that have occurred.
 - 7.4.2. Discuss with the department the options available in resolving the problems including assigning specific measurable tasks with time lines to the probationer, using special evaluations to measure performance, or proceeding with rejection action with appropriate modifications to work assignments of use of vacation, paid leave, etc.
 - 7.4.3. Refer retreat right issues to the Employment Manager.
- 7.5. The Director of Personnel Management and Services will determine when it is in the best interest of the University to reject an employee during probation.

- 7.6. When notified by Personnel Management and Services that the University will initiate rejection procedures, the Supervisor will:
 - 7.6.1. Informally notify, if appropriate, the employee that it will not be possible to attain permanent status and that the employee is being rejected during the probationary period. Formal notification will be made by Personnel Management and Services.
 - 7.6.2. Make appropriate adjustments to the employee's assignments based on recommendations of the Employee Relations Manager, until the effective date of separation, such as:
 - a. Assigning interim duties.
 - b. Relieving the employee of all ongoing assignments.
 - c. Directing the employee to take vacation or a leave with pay.
- 7.7. The Director of Personnel Management and Services will:
 - 7.7.1. Determine the separation date and provide formal notice to the employee (See Appendix 8.1.).
 - a. The notice may be mailed by certified mail, with return receipt requested, to the employee at the last know address;
 - b. Or, the notice may be hand-delivered to the employee, who shall acknowledge the receipt of it in writing. If the employee refuses to acknowledge its receipt, the person delivering the notice shall prepare and file with the Director of Personnel Management and Services an affidavit verifying delivery of the notice.
 - 7.7.2. Ensure that rejection actions are taken in conformity with employee rights, such as:
 - a. Ensuring that the employee is aware of the right to appeal the decision using the appropriate grievance procedure, but not to appeal decisions to the State Personnel Board.
 - b. Ensuring that the employee is aware of any existing retreat rights to a former position.
 - c. Ensuring that notice of rejection was provided as outlined in Section 4.0. above.

7.8. When it is determined that an employee has retreat rights and has elected to exercise them, Personnel Management and Services will:

7.8.1. Inform the former supervisor of the employee's decision to return.

7.8.2. Contact the employee and inform him/her that the former supervisor has been informed.

7.8.3. If appropriate, arrange a meeting between the former supervisor and employee to discuss the reentry into the former position.

7.9. The Employee Relations Manager will conduct, as appropriate, an exit interview with the employee on or before the separation date.

8.0. APPENDICES:

8.1. Sample Notice of Rejection During Probation.