Chapter Pers 13

PROBATIONARY PERIODS

Pers 13.01	Definition and policy statement	Pers 13.06	Lateral movements
Pers 13.02	Duration	Pers 13.07	Time not counted
Pers 13.03	When probationary period required	Pers 13.08	Dismissal
Pers 13.04	When probationary period permissive	Pers 13.09	Progress reports
Pers 13.05	Lapses in employment	Pers 13.10	Successful completion
		Pers 13.11	Extended probationary periods

Pers 13.01 Definition and policy statement. The probationary period is an integral part of the examination process, applicable in situations as outlined in the law and in these rules, and shall be used to closely observe the work of appointees and determine whether they will be able to effectively carry out their duties and responsibilities. At any time during a probationary period that an employe does not demonstrate the necessary capabilities, he shall be removed from the position by the appointing officer.

History: Cr. Register, June, 1964, No. 102, eff. 7–1–64.

Pers 13.02 Duration. All probationary periods are for 6 months duration, except:

(1) In the case of trainees, the probationary period shall be the total length of the training period, and

(2) In the case of intern classes, the probationary period shall be the length of the intern program, and

(3) In the cases where longer probationary periods are authorized in accord with subsection 16.22 (1), Wis. Stats.

(4) In cases of reinstatement and transfer, the duration of probationary periods shall be at the discretion of appointing officers, but in no case to exceed 6 months.

History: Cr. Register, June, 1964, No. 102, eff. 7–1–64.

Pers 13.03 When probationary period required. (1) Original appointments to permanent or seasonal positions.

(2) Appointment by promotion to permanent or seasonal positions.

(3) For the duration that an employe is holding a position classified as trainee.

(4) Appointment of a trainee to a permanent position in the objective class.

History: Cr. Register, June, 1964, No. 102, eff. 7–1–64; emerg. rule, renum. (5) to be Pers 13.05 (5), and am, eff. 2–22–66; renum. (5) to be Pers 13.05 (5) and am. Register, May, 1966; No. 125, eff. 6–1–66.

Pers 13.04 When probationary period permissive. (1) At the discretion of the appointing officer a probationary period may or may not be required in the following cases when movement is to a different employing unit in the same department or to a different department:

(a) Transfer (See Wis. Adm. Code chapter Pers 15).

(b) Reinstatement (See Wis. Adm. Code chapter Pers 16).

Note: A probationary period shall not be required for reinstatement under section 16.24, Wis. Stats.

(c) Voluntary demotion (See Wis. Adm. Code chapter Pers 17).

(2) The appointing officer shall specify upon appointment and report to the bureau his determination to require an employe to serve such probationary period. He shall likewise give written notice to the employe of his determination.

(3) The appointing officer shall have authority to terminate these probationary periods at any time. He shall notify the director and the employe of his determination to terminate such employe's probationary period.

History: Cr. Register, June, 1964, No. 102, eff. 7–1–64.

Pers 13.05 Lapses in employment. (1) ONE MONTH LAPSE. If an employe has lapses in employment not exceeding one month due to: (a) injury arising from state employment and covered by workmen's compensation act, or (b) for another reason approved by the appointing officer, the appointing officer shall determine whether the probationary period is to be extended to cover such absence.

(2) MORE THAN ONE MONTH LAPSE. If an employe has such lapse of employment totaling more than one month, the probationary period shall be extended by the length of the lapsed time, except that up to one month may be waived by the appointing officer.

(3) LAYOFF. If an employe is laid off due to lack of work or funds during a probationary period, and is later reappointed from the same employment list to a position in the same department, the time served shall be carried over and applied as part of the probationary period for the second appointment. In cases where the second appointment is to a different department, the time served may be carried over at the discretion of the new appointing officer. Determination of any such carry-over shall be specified at the time of the second appointment and reported to the bureau. The appointing officer shall also give written notice to the employe of his determination.

(4) RESIGNATION. If an employe resigns during a probationary period, and is later reappointed from the same employment list to a position in the same or a different department, the time served shall not be carried over.

(5) When an employe's position is reallocated pursuant to Wis. Adm. Code section Pers 3.02 (2) (a) and (f) during the time the employe is serving a probationary period for an original or promotional appointment, he shall be required to serve a new probationary period starting with the effective date of the reallocation action. The employe shall receive a salary increase pursuant to section 16.105 (2) (d), Wis. Stats., effective at the beginning of the pay period following completion of the new probationary period.

History: Cr. Register, June, 1964, No. 102, eff. 7–1–64; emerg. rule renum. Pers 13.03 (5) to be Pers 13.05 (5) and am. eff. 2–22–66; Pers 13.03 (5) renum. to be Pers 13.05 (5) and am. Register, May, 1966, No. 125, eff. 6–1–66.

Pers 13.06 Lateral movements. (1) Definition. Lateral movements for the purpose of this section include any movement (in the nature of a transfer) to a permanent or seasonal position in the same salary schedule range and in the same or a closely related class, while the employe is serving a probationary period. The probationary period

time served prior to such a movement *shall* be, *may* be, or *shall not* be carried over and applied to the new probationary period as follows:

(a) *Within an employing unit.* Shall be carried over.

(b) *Between employing units of same department.* May be carried over.

(c) *Between departments.* Shall *not* be carried over when movement is from a probationary period resulting from an original appointment or promotion; *may* be carried over when movement is from a probationary period resulting from transfer.

(2) In any of the above cases where time served *may* be carried over, it shall be at the discretion of the appointing officer. Determination of any such carry-over shall be specified upon appointment and reported to the bureau. The appointing officer shall also give written notice to the employe of his determination.

(3) When such a movement is made to a position in an unrelated class, there shall be *no* carry-over of probationary period and such appointment shall be treated as an original appointment.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64.

Pers 13.07 Time not counted. Time served in limited term employment or on an emergency or provisional appointment shall not be counted as a part of any probationary period.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64.

Pers 13.08 Dismissal. (1) ACTION BY APPOINTING OFFICER. At any time during a probationary period, the appointing officer shall dismiss an employe whose conduct or competency does not merit his continuance in the position. See subsections 16.22 (1), Wis. Stats., Wis. Adm. Code, subsections Pers 14.03 (1), Pers 15.04 (2), and Pers 20.03 (5) (a) for rights of employes who are on probationary periods for certain transactions.

(2) DISMISSAL NOTICE REQUIRED. When a dismissal is to be effected, the appointing officer shall immediately notify in writing the person to be dismissed of the reasons for dismissal and the date on which dismissal is to occur, and send a copy of such notice to the director. Any employe who is dismissed while on a probationary period under the provisions of Wis. Adm. Code subsections Pers 14.03 (1), Pers 15.04 (2), or Pers 20.03 (5) (a), shall also be notified whether or not he is to be restored to his former position and salary.

(3) REACTIVATION OF NAME ON EMPLOYMENT LISTS. See subsection 16.22 (3), Wis. Stats.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64.

Pers 13.09 Progress reports. At such times during a probationary period and in such manner as the director may require, the appointing officer shall report to the director his judgment as to the employe's willingness and ability to effectively perform the work of the position, and as to his suitability and dependability.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64.

Pers 13.10 Successful completion. If the performance of an employe on a probationary period has been satisfactory, the appointing officer shall notify the employe and the director in writing that the employe will receive a permanent appointment. Permanent status begins when

an employe reports for work (unless on approved leave) on the first work day following completion of the probationary period. No employe shall be denied permanent status after successfully completing a probationary period because an appointing officer fails to submit notice of the permanent appointment.

History: Cr. Register, June, 1964, No. 102, eff. 7–1–64.

Pers 13.11 Extended probationary periods. Extended probationary periods as provided for in subsection 16.22 (1), Wis. Stats. shall be applied on a class basis. The determination of the need for an extended probationary period shall be made by the director after taking into consideration the recommendation of the employing department no later than the time the certification request is submitted to the bureau. The recruitment announcements shall inform all applicants of the extended probationary period. At any time after the first 6 months of such probationary period has been served by an employe, the appointing officer may terminate the probationary period, provided the appointing officer notifies in writing both the employe and the director one month prior to the effective date of such action.

History: Cr. Register, June, 1964, No. 102, eff. 7–1–64.