

Chapter Pers 13

PROBATIONARY PERIODS

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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.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

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

(1) In the case of an understudy or a trainee, the probationary period shall be lengthened by the total length of the understudy or training period,

(2) In the case of interns, the probationary period shall be lengthened by the total length of the internship period,

(3) In the case of employes who have not demonstrated the capacity to be granted permanent status in class within 6 months after the beginning of an original probationary period, the director may at the request of an appointing authority extend the probationary period for up to 3 additional months, provided the extension is required by either or both of the following circumstances:

(a) Unanticipated change in the program or duty assignment.

(b) Substantial improvement of performance near the end of the probationary period by employes whose performance during the earlier part of the probationary period is not sufficiently adequate to warrant granting permanent status in class.

(4) In the case of administrative, technical or professional positions, at the request of an appointing authority, the director may, prior to certification of applicants, establish a probationary period of up to 2 years in order to provide the appointing authority assurance that the employe will have adequate exposure during the probationary period to the various responsibilities which are a part of the position or classification,

(5) In the case of permissive probationary periods, the duration of the probationary periods may be less than 6 months at the discretion of the appointing authority, or

(6) As specifically provided in separate pay schedules.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Register, December, 1976, No. 252

Pers 13.04 When probationary period required. (1) Original appointments to permanent, seasonal or sessional positions.

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

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

(4) Appointment of a trainee, intern or understudy to a permanent position in the objective class.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 13.05 When probationary period permissive. (1) At the discretion of the appointing authority a probationary period may or may not be required in the following cases when movement is to a different employing unit in the same agency or to a different agency.

(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 by the board under subsection 16.05 (1) (e), Wis. Stats., except where employment is in a different agency.

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

(2) The appointing authority shall specify upon appointment and notify the director and report to the employe his determination to require the employe to serve a probationary period.

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

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 13.06 Absence from employment. (1) **ONE MONTH (174 WORK HOURS) OF ABSENCE.** If an employe has absences from employment not exceeding one month (174 work hours) due to: (a) injury arising from state employment and covered by the worker's compensation act, or (b) for another reason approved by the appointing authority, the appointing authority shall determine whether the probationary period is to be extended to cover such absence.

(2) **MORE THAN ONE MONTH (174 WORK HOURS) ABSENCE.** If an employe has such absence from employment totaling more than one month (174 work hours), the probationary period shall be extended by the length of the time absent, except that up to one month (174 work hours) may be waived by the appointing authority.

(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 register to a position in the same agency and employing unit, 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 agency or employing unit, the time served may be carried over at the discretion of the new appointing authority. Determination of any such carry-over shall be specified at the time of the second appointment and written notice given to the director and to the employe.

Register, December, 1976, No. 252

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

(5) **REGRADE.** No employe shall be regraded as defined under Wis. Adm. Code section Pers 3.02 (3) during the time the employe is serving a probationary period.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. (5) Register, September, 1975, No. 237, eff. 10-1-75; am. (1) and (5), Register, December, 1976, No. 252, eff. 1-1-77.

Pers 13.07 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 with the same pay rate maximum and in the same or 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 the 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 authority. Determination of any such carry over shall be specified upon appointment and reported to the bureau. The appointing authority 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, October, 1972, No. 202, eff. 11-1-72.

Pers 13.08 Time not counted. Time served in limited term employment, including an emergency or provisional appointment shall not be counted as a part of any probationary period.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 13.085 Progress reports. During the probationary period the appointing authority shall carefully observe and evaluate the employe's job performance and work progress to determine whether the employe is efficiently and effectively performing the duties of the position. Such observations shall be periodically reviewed and discussed with the employe. Each agency shall develop and implement a plan for evaluating probationary employes, or in lieu of developing its own plan, use a model developed by the bureau. Agencies shall file copies of their evaluation plan with the director or indicate their intent to use the bureau's model.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; r. and recr. Register, September, 1975, No. 237, eff. 10-1-75.

Register, December, 1976, No. 252

Pers 13.09 Dismissal. (1) ACTION BY APPOINTING AUTHORITY. (a) Except as provided in paragraph (b), the appointing authority may dismiss any employe during his or her probationary period without the right of appeal.

(b) See section 16.22 (1), Wis. Stats., Wis. Adm. Code sections Pers 14.03, Pers 15.04 and section 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 authority 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. An employe who is dismissed while on a probationary period under the provisions of Wis. Adm. Code sections Pers 14.03, Pers 15.04 or section Pers 20.03 (5) (a) shall also be notified whether or not he or she will be restored to his or her former position and pay.

(3) REACTIVATION OF NAME ON EMPLOYMENT REGISTERS. See section 16.22 (3), Wis. Stats.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. (1) and (2), Register, December, 1976, No. 252, eff. 1-1-77.

Pers 13.10 Successful completion. If the performance of an employe serving a probationary period has been satisfactory, the appointing authority shall notify the employe in writing that he will receive a permanent appointment. An employe gains permanent status in class immediately upon completion of his last assigned work period of his probationary period. Statutorily provided benefits for which the employe then becomes eligible shall take effect on the day following completion of the 6 calendar month period. No employe shall be denied permanent status after successfully completing a probationary period because an appointing authority fails to submit notice of the permanent appointment.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 13.11 Permanent status in class. Permanent status in class means the status of an employe in a position who has served a qualifying period to attain a permanent appointment in a position for that class.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.