



## Delaware State University

**University Area(s) Responsible:** Office of Human Resources

**Policy Number & Name:** 4-22: Probationary Period Policy

**Approval Date:** 12/16/2013

**Revisions:** \_\_\_\_\_

**Reviewed** \_\_\_\_\_

**Related Policies & Procedures:** \_\_\_\_\_

### 1. Purpose

The purpose of this Policy is to provide an opportunity for both new employees and their supervisor(s) to assess how well the employment relationship is working.

### 2. Scope

This policy applies to full and part time employees and supervisors of staff employees in all offices and divisions of Delaware State University (DSU) unless specifically covered by a Collective Bargaining Agreement (CBA) made between DSU and certified bargaining agents.

### 3. Definitions

**3.1 At-will employment** – any employment wherein the employer can terminate the employment at any time, for any reason with or without notice.

**3.2 Probationary period** - the initial period of employment, during which the supervisor carefully considers whether the employee is able to meet the standards and expectations of the job and if the employee should be retained by DSU as a “regular” employee.

### 4. Policy

All employees must serve a probationary period following appointment or promotion. This allows for adjustment to a new job and permits the employee to demonstrate his or her capabilities for fulfilling the job requirements. The length of the probationary period varies according to the position's classification (professional titles first six calendar months of employment, employees holding nonexempt positions first three calendar months of employment) and may be extended on a case-by-case basis. For union employees, please refer to the appropriate Collective Bargaining Agreement (CBA). During the probationary period each supervisor should evaluate the employee's performance and general suitability.

During this time, employees have an opportunity to learn more about their assignments and to determine whether or not they are satisfied with the position. At the same time, the supervisor has an opportunity to determine whether or not the employee has the potential for successful performance in the position.

A written Probationary Appraisal form is required for employees working in nonexempt and exempt positions prior to the end of this period. Under extraordinary circumstances, the employee's probationary period may be extended. Extensions can be the result of a significant change in responsibilities before the period would normally end. The appropriate contract, CBA or departmental policy should be consulted for implementing an extension.

**4.1 NO OBLIGATION TO RETAIN AN EMPLOYEE UNTIL THE END OF THE PROBATIONARY PERIOD.**

The designation of this probationary period does not constitute an obligation on the part of DSU to retain the employee until the end of the probationary period or for any period of time. Both during and after the probationary period, employment with DSU is voluntary or "at-will" for professional employees and, therefore, may be terminated by either party at any time, for any reason or for no reason. For union employees, please refer to current applicable Collective Bargaining Agreement.

**4.2 Termination of Employment during Employee Probationary Periods.**

The probationary period also serves as an orientation period. If at any time during the probationary period the supervisor feels that the employee is not suitable for the position, the supervisor may recommend to Human Resources to terminate the employment. An employee who is terminated during the probationary period has no right of appeal under Dispute Resolution Procedures.

**4.3 Advanced notice of probation expiration.**

All employees shall be informed in advance of the expiration of the probationary period if their employment will not be continued. In addition, the supervisor should discuss the situation with Human Resources at least four weeks in advance of the date of termination. Employment may be terminated prior to the end of the probationary period.

**4.4 Waiver of Probationary Periods.**

The probationary period may be waived, upon the supervisor's written notification to Human Resources and acceptance by Human Resources of that notice. A waiver may be appropriate when, for

example, the employee was previously performing the same job in a temporary capacity on the DSU payroll for longer than three months.

**4.5 Probationary Status upon Transfer or Promotion.** A new probationary period starts when an employee transfers or is promoted to a different position. In cases of termination during this probationary period, notice or pay in lieu of notice may be required.

**4.6 Vacation and sick time.** After the probationary period, vacation and sick time may be used according to normal department policy.

## **5. Procedures**

**5.1** If any employee is to be terminated during the probationary periods, the Department Head or supervisor should:

**5.1.1** Contact the senior administrator and the office of Human Resources to review the events leading to termination.

**5.1.2** HR will inform the employee of the termination and the effective date of separation.

**5.1.3** Instruct the employee to arrange an exit interview with Human Resources for a review of benefits.

**5.1.4** Prepare a Separation Personnel Action Form and verify return of University property and any monies due.

**5.1.5** Involuntarily terminated employees receive their final paycheck within Thirty (30) days of the date of termination.

**5.1.6** Collection procedure may be implemented if the employee does not return all University property or has not satisfied all financial obligations with the University.

**5.2 Extension of Probationary Periods.** Under certain circumstances, probation may be extended for non-union employees for up to three additional months, six months for non-union employees. Extensions can be the result of a significant change in responsibilities or supervision without benefit of adequate time to assess the incumbent. To extend probation, the supervisor should contact the office of Human Resources at least three weeks prior to the expiration of the original probationary period. Employees should be informed of an extension before the current probationary period expires. A decision to extend probation must be documented in writing and sent to the employee and Human Resources for inclusion in the employee's personnel file. The employee has the option to agree or disagree with the Extension of the probation period. If the employee disagrees with the recommendation of extending the probationary period their service will be terminated, effective immediately. (When employees are absent from work for a total of 10 working days or more during their probationary periods, the period may be extended by the length of the absence. If the absence

is justified. If there is no explanation for prolonged absences the University has the right to terminate employment immediately.)

## **6. Notice**

Delaware is an employment-at-will state. Delaware State University therefore retains the right to terminate an employee at any time without regard to any probationary period(s). Satisfactory completion of the probationary period is not a guarantee of continuous employment.

## **7. Responsibility**

All new employees shall be informed of the probationary period by the office of Human Resources during orientation. Further, all new employees shall be informed that DSU is an employment-at-will institution.