

GUIDELINES
FOR
Early Probation
Termination:
Classified Employees



Employer-Employee Relations
Human Resources Division
January, 2007

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NOTE TO READER: These guidelines represent recommended administrative procedures for early termination of probationary periods. ***This document is not a rule, regulation, or contract, and should not be construed as creating contractual obligations.***

The District reserves the right to revise, amend, supplement, or rescind these guidelines at any time at its sole and absolute discretion. In all questions of actual legal compliance, ***actual policies, rules, regulations, procedures and collective bargaining agreements will always be the official documents upon which any ruling will be based or any interpretation made.***

For complete information contact the Personnel Office at your campus or the Division of Human Resources.

GUIDELINES FOR EARLY PROBATION TERMINATION: CLASSIFIED EMPLOYEES

I.

BACKGROUND

In 2002, the process of early termination of a classified probationary assignment was simplified. Recent inquiries about the process encouraged us to revisit the recommended practices for early termination of probationary classified assignments in our decentralized environment. This document supersedes and replaces previous memoranda from Human Resources detailing best practices in this area.

II.

PROBATION BASICS

First, we recognize that the probationary period is a continuation of the formal hiring process. It is therefore important that performance be closely monitored and evaluations be promptly completed during probation to provide the employee the necessary information to succeed. Nevertheless, even with guidance, there are times when an employee is unable to meet the required expectations of management and it will be necessary to terminate an assignment prior to completion of probation.

CALCULATING PROBATION TIMELINES

A typical probationary period for a classified employee (excluding sub & relief, provisional, executive/administrative classes, and peace officers) is 130 days in paid service. The 130 days must comprise at least 75% of the available work in the class, or in other words, 75% of the days during which the individual could have been employed in that class.

Other classes of employees must serve a longer probation. Classified employees designated as executive or administrative must serve 260 days of paid service. The paid service must comprise at least 75% of the days during which the individual could have been employed in that class.

Example: John Doe started his new job and worked for 75 days. Then he needed to take an unpaid leave. Suppose, with one unpaid leave and another, it takes John 12 months to serve 130 days of paid service. *Has John passed probation?*

Calculating probation timelines is not a simple task. We encourage you to contact the Personnel Commission for assistance.

Once the probationary period is completed, the employee obtains vested status in the assignment. At that point, dismissal can only be achieved through progressive discipline and intensive performance coaching. You can see that the decision whether to continue or terminate an employee's probationary period has very important and long-range implications.

Whenever you are in doubt as to whether to continue a probationary assignment, consult your management or the Office of Employer/Employee Relations.

III.

BEST PRACTICES

The following is a guide to best practices for early termination of probationary assignments:

1. Performance Evaluations: The District has committed to prompt performance evaluations during the probationary period. The evaluation is your management tool to assist the probationary employee in making necessary course corrections in her/his performance. Thus before terminating probation, you should have already provided the employee with at least one evaluation detailing the performance issues. After all, people cannot correct what they do not know is a problem.

There are also non-performance related reasons to end probation early that need not depend on an evaluation, such as dishonesty, gross insubordination, fighting, etc. Such instances should still be thoroughly investigated and documented before ending the probation.

2. Counseling: Where a performance evaluation informs the employee of issues of concern, *counseling* is your chance to provide guidance and assistance in addressing and correcting those issues. Counseling, whether verbal or written, about issues of concern demonstrates management's participation in the performance improvement process. Counseling may precede an evaluation to give the employee a chance to improve before the documented evaluation, or it may follow an evaluation to assist the employee in dealing with concerns raised by the evaluation. Counseling should always be documented.

3. Authorization: Before discussing the end of probation with the employee, it is very important that you alert your own management and obtain approvals as required by your chain of command.

4. Communication: For the sake of courtesy and clarity, the employee should be provided a written communication confirming the end of probation. Including the president's or division head's signature on the communication will demonstrate to the employee that the termination has been cleared through senior management. The communication should include the last day of work and a general reason for the termination such as "did not meet required performance expectations."¹ A sample letter is included at the end of this document.

5. Documentation: The termination should be entered into PCR according to current system instructions. Copies of the memo to the employee and the termination PCR screen should be forwarded to the Office of Employer/Employee Relations (EER) immediately after submission to the employee. EER will coordinate Trustee ratification of the action, and assure that the documents are placed in the employee's Official Personnel File.

6. Timing: Technically, termination of a probationary assignment is valid at any time prior to completion of probation. Nevertheless, the timing of

¹ You may consider including specific reasons which were discussed with the employee and/or documented in a performance evaluation.

termination should relate to and be consistent with the concerns prompting the termination.

For example, if an issue of prohibited employee conduct (e.g., dishonesty, fighting, etc.) necessitates termination of probation, the termination should occur upon confirmation of the conduct in question regardless of how inconvenient such immediate termination might be for the college. Failure to do so risks undermining the seriousness of the conduct in question and sends mixed messages.

Similarly for performance issues, once a college is convinced that, despite counseling and instruction, a probationary employee is unable to meet reasonable performance expectations, the probation should be promptly terminated. Do not wait until the last minute in an attempt to “squeeze” the last bit of utility from the employee.

Finally, remember that under any circumstance, the process of terminating probation takes time to achieve. Factor into your termination timing the necessity of communicating with the employee and processing the necessary paperwork. Employer/Employee Relations staff is available to consult with questions.

Sample Probation Termination Letter

(Date)

(Inside Address)

Dear _____,

As you are aware, the probationary period is a continuation of the hiring process, to allow the employer and the employee to determine if they are a fit. Unfortunately, I will not be able to recommend that you pass your probationary period. Consequently, your last date of work will be (date) at (time).

(*OPTIONAL*): Please turn in your keys, identification cards, [whatever else applies] to [identify responsible person].

(Closing)

cc: Employer-Employee Relations