

MANAGEMENT DIRECTIVE

Commonwealth of Pennsylvania Governor's Office

Subject: Classified Service Probationary Periods	Number: 580.8 Amended
Date: June 14, 2013	By Direction of:  Jeffrey T. Wallace, Executive Director State Civil Service Commission
Contact Agency: State Civil Service Commission, Bureau of Policy and Information Services, Telephone 717.787.5855	

This directive establishes policy, responsibilities and procedures for classified service employees serving probationary periods, including the extension thereof. Marginal dots are excluded due to major changes.

- 1. PURPOSE.** To establish policy, responsibilities and procedures for classified service employees serving probationary periods, including the extension thereof.
- 2. SCOPE.** Applies to all state agencies, which are identified in *Civil Service Act, 71 P.S. § 741.3(d)*, and to state agencies and political subdivisions of the commonwealth which have contracts with the State Civil Service Commission (SCSC) for services and facilities as provided for in *Civil Service Act, 71 P.S. § 741.212*.
- 3. OBJECTIVE.** To ensure classified service employees and appointing authorities understand and comply with the SCSC rules and regulations pertaining to probationary periods; and to clarify the impact on classified service employees' rights and civil service status in relation to various personnel movements.
- 4. DEFINITIONS.**
 - a. Appointing Authority.** Officers, boards, commissions, persons or group of persons having power by law to effect personnel transactions in the classified service.
 - b. Certification of Eligibles.** An employment list, promotion list or reemployment list.

- c. **Civil Service Leave of Absence.** A temporary interruption of employment for which the employee is given a specified period of leave for purposes such as illness, school attendance, military duty or training or employment in a non-civil service position.
- d. **Contractual Personnel System.** A system maintained by the SCSC that contains the personnel transactions documenting work histories of employees of political subdivisions of the commonwealth and other entities having a contract with the SCSC.
- e. **Demotion.** The voluntary or involuntary movement of an employee to a job title assigned to a pay range with a lower maximum salary except when the movement is the result of a valid reclassification downward.
- f. **Employee.** A person legally occupying a position in the classified service.
- g. **List Life.** The length of time that an individual's name will appear on an eligible list. The individual must have successfully examined for and met the minimum experience and training requirements for the job title in order to have been placed on the eligible list.
- h. **Probationary Period.** A preliminary period of employment for the purpose of determining the fitness of an employee for regular civil service status.
- i. **Probationary Status Employee.** A person serving a probationary period prior to acquiring regular status in a classified service position.
- j. **Promotion.** The movement of an employee to another job title in a pay range with a higher maximum salary.
- k. **Reassignment.** The movement of an employee from one position to another position, in the same job title or another job title for which the employee qualifies, at the same maximum salary.
- l. **Regular Status.** Standing achieved by a classified service employee who has successfully completed a probationary period.
- m. **Trainee.** A qualified person appointed or promoted to a job title identified as a training level job title.
- n. **Transfer.** The movement of an employee from one appointing authority to a different appointing authority.

5. POLICY.

- a. Civil service probationary periods are preliminary periods of employment, the purpose of which is to determine the fitness of an employee for regular civil service status. Probationary periods required by a collective bargaining agreement or memorandum of understanding are separate and distinct from civil service probationary periods.

- b. Probationary periods must be successfully completed by employees for all classified service appointments or promotions before regular status is conferred. Appointing authorities must act affirmatively to confer regular status by evaluating the employees' performance and notifying employees that such performance was satisfactory.
- c. Probationary periods for all non-trainee job titles shall be six months (defined as 180 calendar days – six months at 30 days per month). For trainee job titles, the probationary period is as designated in *Management Directive 535.5, Use of Trainee Classes in the Classified Service*.
- d. Probationary periods for part-time positions shall be prorated against the number of hours in a regular workweek. Employees who satisfactorily complete the required number of hours shall have regular status conferred. For example, for a 37.5 hour workweek, a six month probationary period would equate to 975 hours; 12 months would be 1,950 hours; 15 months would be 2,437.50 hours; and 18 months would be 2,925 hours. For a 40 hour workweek, a six month probationary period would equate to 1,040 hours; 12 months would be 2,080 hours; 15 months would be 2,600 hours; and 18 months would be 3,120 hours.
Note: For part-time positions, overtime hours may be counted toward the accumulation of hours necessary to complete a probationary period. However, the probationary period may not be less than six months, calculated as 180 calendar days. Therefore, if 975 hours are met prior to reaching six months, the employee would still not be able to achieve regular status until that six month time frame is met.
- e. Appointing authorities may extend probationary periods to a maximum of 18 months (defined as 545 calendar days – 365 calendar days plus six months at 30 days per month) when probationary employees are not performing satisfactorily in one or more performance factors or ratings, or when more time is needed to adequately evaluate probationary employees' performance because of a supervisory change, reassignment, transfer or similar action during the probationary period. Such extensions may be reduced to assign regular status when performance is deemed satisfactory. Probationary periods for trainee job titles can be extended to a maximum of 24 months (defined as 730 calendar days – two years at 365 days per year).
- f. Probationary status employees, in other than trainee job titles, who exceed 18 months in probationary status shall have regular status conferred on the day after the 18 month limit is reached.
- g. Probationary status employees who occupy trainee job titles for more than 24 months shall be promoted, with regular status, to the appropriate journey level job title identified in *Management Directive 535.5, Use of Trainee Classes in the Classified Service*, on the day after the 24 month limit is reached.
- h. Satisfactory periods of employment in emergency or temporary status may be credited toward completion of probationary periods when employees subsequently are assigned probationary status in the same job title, provided such service is continuous. However, employees assigned to work out-of-class, prior to being placed in probationary status in the job title, shall not have the time spent working out-of-class credited toward completion of the probationary period.

- i. Probationary status employees who are reassigned to another position in the same or similar job title in the same appointing authority or who demote to a lower level job title within the same or similar class series in the same appointing authority shall be credited with the time served in the previous position toward the completion of the probationary period required for the new position. **Note:** Similar job title means one having the same maximum salary rate in the compensation plan, involving essentially the same or lower level duties and responsibilities, requiring essentially the same or lower level minimum qualifications, and calling for the same or lower level knowledge, skills and abilities.
- j. Probationary status employees who are reassigned or demoted to another position in an unrelated job title within the same appointing authority may be credited with the time served in the previous position toward the completion of the probationary period required for the present position, unless the appointing authority requires that a new, full probationary period be served as a condition of the reassignment or demotion and notifies the employee, in writing, of this requirement. **Exception:** Probationary status employees who are reassigned or demoted to trainee job titles shall serve a new, full probationary period.
- k. Probationary status employees transferring from one appointing authority to another appointing authority may continue to serve the remainder of their probationary period in the new position, unless the gaining appointing authority requires that a new, full probationary period be served as a condition of the transfer and notifies the employee, in writing, of this requirement. **Exception:** If the probationary status employee is transferring to a position which will result in a promotion, a new, full probationary period must be served.
- l. Regular status employees who are placed in probationary status as a result of a promotion shall have a right of return, whether within an appointing authority or between appointing authorities, as follows:
 - (1) During the first three months of the probationary period, probationary status employees have the option to return to the position previously held.
 - (2) At any time after the first three months of the probationary period, probationary status employees may return to their previous position or classification with written consent of the appointing authorities.
 - (3) If the probationary status employees' services are found not to be satisfactory by the appointing authority, probationary employees shall be returned to their previous position or job title.
- m. Probationary status employees placed in another probationary status as a result of a promotion or other personnel movement shall not have a right of return, unless the initial probationary status was the result of a promotion, in which case the right of return would be to the last regular status position held. For example, if a regular status Administrative Officer 1 was promoted to an Administrative Officer 2 and, while in probationary status, was promoted to an Administrative Officer 3 or reassigned to a Budget Analyst 2, the right of return would be to the Administrative Officer 1 position with regular status. The employee would not have a right of return to the Administrative Officer 2 position.

- n. A probationary status employee who has served any portion of the probationary period and is given a temporary appointment to a higher level position in the same or closely related series of classes under the same appointing authority may have the period of the higher level service credited toward the lower level probationary period. Written notice to that effect shall be given to the employee on or before the date the probationary period expires.
- o. If an appointing authority extends an employee's probationary period, it shall notify the employee, in writing, at least one workday prior to the effective date of the extension. The notice to the employee shall include the new probationary period ending date and the reason(s) for the extension. This notice does not need to be forwarded to the SCSC, unless specifically requested by an SCSC staff member.
- p. Probationary periods shall be adjusted when probationary status employees return from civil service leaves of absence by extending the probationary period for a period equal to the time on leave. This adjustment shall be made in workdays, not calendar days. When the leave exceeds 30 consecutive workdays, except for military leave, the appointing authority may require that a new, full probationary period be served. **Note:** In applying this paragraph of the directive, the probationary period ending date should not be extended on a day-for-day basis when probationary status employees use paid annual, personal or sick leave.
- q. Probationary periods of employees on military leave of absence shall be adjusted, regardless of the length of the leave.
- r. Probationary status employees who are removed and subsequently ordered restored to duty will resume the probationary period effective on the date of restoration.
- s. If a probationary status employee resigns, is removed, is granted a civil service leave of absence, is furloughed or is demoted and requests to be restored to the civil service eligible list, the Executive Director, SCSC, may authorize the restoration of the employee to the same list or a comparable list to that from which appointed, provided the employee's list life has not expired.
- t. **References:** *Warwood v. Lancaster County Board of Assistance*, 32 Pa. Commonwealth Court 468, 379 A.2d 135 4 (1977); Sections 603, 804 and 804.1, Civil Service Act; 4 Pa. Code §§ 97.31, 97.32, 97.33, 97.34, 97.36, 97.37, 97.38, 97.39, 99.21, 99.24, 99.34, 99.43, 101.32, 101.54, 105.1, 105.2, 105.4, and 105.5; Management Directive 535.5, Use of Trainee Classes in the Classified Service and Management Directive 580.11, Documentation of Classified Service Personnel Actions; and applicable collective bargaining agreements.

6. RESPONSIBILITIES.

a. Appointing Authorities shall:

- (1) Provide written notification to employees upon appointment or promotion that states the ending date of the probationary period.
- (2) Monitor employees' probationary periods to ensure that employees do not exceed the maximum amount of time allowed to be in probationary status.

- (3) Notify probationary status employees if they have successfully completed the probationary period; or, if the probationary period is extended, provide written notification to the employee, at least one workday in advance of the original probationary period ending date, of the reason(s) for the extension and the new probationary period ending date.
- (4) Ensure employees' work histories are accurate and reflect the correct civil service status.

b. The State Civil Service Commission shall:

- (1) Provide guidance to appointing authorities on classified service probationary periods.
- (2) Audit appointing authorities' personnel actions pertaining to probationary periods and extensions or reductions thereof.
- (3) Notify appointing authorities when personnel actions are found which are not in compliance with the *Civil Service Act* or other relevant guidelines.

7. PROCEDURES.

- a. Appointing authorities hiring employees into probationary status positions shall notify the employees in writing of their appointment or promotion. The notification letter shall state the job title, effective date, rate of pay, bargaining unit (if applicable), ending date of probationary period and indicate that if the employee's name appears on any civil service eligible lists that the employee's name will be deactivated by the SCSC from the eligible list for the job title which hired or promoted, as well as all equal and lower level job titles. In addition, for those regular status employees placed in probationary status as a result of a promotion, specific rights of return to previously held positions or classifications shall be provided.
- b. Appointing authorities shall ensure the proper appointment, promotion or other relevant personnel transaction is applied to the employee's work history and that the employee is assigned probationary status.
 - (1) For state agencies, select the appropriate SAP action reason code. Documentation is not required to be forwarded to the SCSC, unless specifically requested by an SCSC staff member.
 - (2) For political subdivisions of the commonwealth which have contracts with the SCSC for services and facilities as provided for in the *Civil Service Act* and who are authorized to enter data into the Contractual Personnel System, reference should be made to the Contractual Personnel System Transaction Manual to ensure the appropriate transaction code is used and all necessary data fields are completed. Documentation is not required to be forwarded to the SCSC, unless specifically requested by an SCSC staff member.

- (3) For political subdivisions which receive commonwealth funding for human services programs and that do not have authorization to enter data into the Contractual Personnel System, submit Form SCSC-100, Report of Personnel Transactions for Non-State Employees, within five business days of the effective date of the personnel action to the appropriate state funding agency. Reference should be made to the Contractual Personnel System Transaction Manual to ensure the appropriate transaction is used and all necessary data fields are completed. Documentation is not required to be forwarded to the SCSC, unless specifically requested by an SCSC staff member.
- (4) For applicable Housing Authorities or other entities having a contract with SCSC for services and facilities not referenced in paragraphs 7.b.(2) or 7.b.(3) of this directive, submit a copy of the written notice referenced in paragraph 7.a. of this directive and Form SCSC-100, Report of Personnel Transactions for Non-State Employees, within five business days of the effective date of the personnel action to the following address:

State Civil Service Commission
Bureau of Policy and Information Services
3rd Floor, Strawberry Square Complex
320 Market Street
Telephone: 717.787.5855
Fax: 717.783.0419

Or, for U.S. Postal Service deliveries:
P.O. Box 569
Harrisburg, PA 17108-0569

Or, by e-mail at: <mailto:ra-cs-paad@pa.gov>

Reference should be made to the Contractual Personnel System Transaction Manual to ensure the appropriate transaction is used and all necessary data fields are completed.

- c. For those regular status employees placed in probationary status as a result of a promotion, if at any time during the first three months of the probationary period, the employee requests to be returned to the position previously held, the effective date used to transact the movement will be determined by the appointing authority or by mutual agreement between both appointing authorities, if the promotion was from one appointing authority to another appointing authority.
- d. For those regular status employees placed in probationary status as a result of a promotion, at any time after the first three months until the successful completion of the probationary period, the employee may request to be returned to the position or job title previously held. However, the effective date used to transact the return will be decided by the appointing authority or by mutual agreement between both appointing authorities, if the promotion was from one appointing authority to another appointing authority.

- e. Regular status employees placed in probationary status as a result of a promotion may be returned to their previous position or job title at any time within the probationary period if the appointing authority finds that they are not satisfactorily performing in the job title to which promoted. The effective date used to transact the return will be decided by the appointing authority or by mutual agreement between both appointing authorities, if the promotion was from one appointing authority to another appointing authority.
- f. After an appointing authority determines that a former regular status employee, placed in probationary status as a result of a promotion, is to be returned to the previous position or job title, the appointing authority shall provide written notification to the employee indicating the job title and civil service status to which being returned, effective date of return, rate of pay and bargaining unit (if applicable). If the return is due to the employee not satisfactorily completing the probationary period, the written notification shall also include the reason(s) for return and civil service rights of appeal. Return transactions shall be processed as follows:
 - (1) For state agencies, blanket certification number 99738 is to be used to process returns. Documentation is not required to be forwarded to the SCSC, unless specifically requested by an SCSC staff member.
 - (2) For political subdivisions of the commonwealth which have contracts with the SCSC for services and facilities as provided for in the *Civil Service Act* and who are authorized to enter data into the Contractual Personnel System, transaction code 408.1 and blanket certification number 99738 are to be used to process returns. Documentation is not required to be forwarded to the SCSC, unless specifically requested by an SCSC staff member.
 - (3) For political subdivisions which receive commonwealth funding for human services programs that do not have authorization to enter data into the Contractual Personnel System, submit Form SCSC-100, Report of Personnel Transactions for Non-State Employees, within five business days of the effective date of the personnel action to the appropriate state funding agency, using transaction code 408.1 and blanket certification number 99738. Documentation is not required to be forwarded to the SCSC, unless specifically requested by an SCSC staff member.
 - (4) For applicable Housing Authorities or other entities having a contract with SCSC for services and facilities not referenced in paragraphs 7.b.(2) or 7.b.(3) of this directive, submit a copy of the written notice referenced in paragraph 7.f. of this directive and Form SCSC-100, Report of Personnel Transactions for Non-State Employees, within five business days of the effective date of the personnel action to the address in paragraph 7.b.(4) of this directive, using transaction code 408.1 and blanket certification number 99738.
- g. Appointing authorities extending or reducing probationary periods in accordance with this directive shall provide written notification to employees at least one workday in advance of the original probationary period ending date. Written notice shall include the reason(s) for the extension or reduction and the new probationary period ending date. In addition, the personnel transaction shall be processed as follows:

- (1) For state agencies, select the appropriate SAP action reason code. Documentation is not required to be forwarded to the SCSC, unless specifically requested by an SCSC staff member.
 - (2) For political subdivisions of the commonwealth which have contracts with the SCSC for services and facilities as provided for in the *Civil Service Act* and who are authorized to enter data into the Contractual Personnel System, transaction code 731.0 for extensions or 730.0 for reductions is to be used to process the extension or reduction. Documentation is not required to be forwarded to the SCSC, unless specifically requested by an SCSC staff member.
 - (3) For political subdivisions which receive commonwealth funding for human services programs that do not have authorization to enter data into the Contractual Personnel System, submit Form SCSC-100, Report of Personnel Transactions for Non-State Employees, within five business days of the effective date of the personnel action to the appropriate state funding agency, using transaction code 731.0 for extensions or 730.0 for reductions. Documentation is not required to be forwarded to the SCSC, unless specifically requested by an SCSC staff member.
 - (4) For applicable Housing Authorities or other entities having a contract with SCSC for services and facilities not referenced in paragraphs 7.b.(2) or 7.b.(3) of this directive, submit a copy of the written notice referenced in paragraph 7.g. of this directive and Form SCSC-100, Report of Personnel Transactions for Non-State Employees, within five business days of the effective date of the personnel action to the address in paragraph 7.b.(4) of this directive, using transaction code 731.0 for extensions or 730.0 for reductions.
- h.** Appointing authorities must act affirmatively to confer regular status by evaluating the employees' performance and notifying employees that they have successfully completed their probationary period including the date that they will have regular status conferred. Employee Performance Review Reports or other written notification may be used to convey successful completion of the probationary period. The personnel transaction shall be processed as follows:
- (1) For state agencies, select the appropriate SAP action reason code. Documentation is not required to be forwarded to the SCSC, unless specifically requested by an SCSC staff member.
 - (2) For political subdivisions of the commonwealth which have contracts with the SCSC for services and facilities as provided for in the *Civil Service Act* and who are authorized to enter data into the Contractual Personnel System, transaction code 704.0 is to be used to process the movement from probationary to regular status. Documentation is not required to be forwarded to the SCSC, unless specifically requested by an SCSC staff member.

- (3) For political subdivisions which receive commonwealth funding for human services programs that do not have authorization to enter data into the Contractual Personnel System, submit Form SCSC-100, Report of Personnel Transactions for Non-State Employees, within five business days of the effective date of the personnel action to the appropriate state funding agency, using transaction code 704.0. Documentation is not required to be forwarded to the SCSC, unless specifically requested by an SCSC staff member.
- (4) For applicable Housing Authorities or other entities having a contract with SCSC for services and facilities not referenced in paragraphs 7.b.(2) or 7.b.(3) of this directive, submit a copy of the written notice referenced in paragraph 7.h. of this directive and Form SCSC-100, Report of Personnel Transactions for Non-State Employees, within five business days of the effective date of the personnel action to the address in paragraph 7.b.(4) of this directive, using transaction code 704.0.
- i. Appointing authorities with access to the SCSC's IBM AS/400 system can find a probationary period calculator on the main menu. The "Calculation of Probationary Period End Date" item can be used to determine an employee's probationary date by entering the probationary begin date, probationary period and hours worked/workweek.

This directive replaces, in its entirety, *Management Directive 580.8*, dated October 5, 2004.