



## DHRM POLICY 1.45, PROBATIONARY PERIOD

### **APPLICATION:**

Executive Branch full-time, quasi full-time, and part-time covered (classified) employees.

### **PURPOSE:**

It is the policy of the Commonwealth for employees to serve an introductory period of employment to determine if the employee will be granted full classified status.

### **AUTHORITY & INTERPRETATION:**

Title 2.2 of the Code of Virginia, the Director of the Department of Human Resource Management (DHRM) is responsible for official interpretation of this policy, in accordance with §2.2-1201 of the Code of Virginia. DHRM reserves the right to revise or eliminate this policy.

### **CODE OF VIRGINIA:**

Section 2.2-2812 B Employment of personnel

### **POLICY HISTORY:**

09/25/2000 Policy created.  
05/16/2006 Policy revised.  
05/28/2026 Policy revised.

## **PROBATIONARY PERIOD REQUIREMENTS**

### **Probationary Period**

A 12-month Probationary Period is required for:

- All persons who are a new hire or rehire to state government in a covered (classified) position.
- Employees who transfer from non-covered positions to covered (classified) positions (See Policy 2.20, Types of Employment).
- Certain positions require a lengthier probationary period which must be approved by DHRM. This requirement must be noted in job announcements and offer letters.



Limited Circumstances when Probationary Periods are not required:

- Employees who are transferred from an excepted position to a covered (classified) position by action of the General Assembly, with no substantial change in work assignments, will not serve a probationary period.
- Covered (classified) employees who have completed a 12-month probationary period and accept a different classified position in the same or different agency with no break in service will not be required to serve another probationary period.
- The probationary period does not establish a guaranteed period of employment. Employment may be terminated at any point during the probationary period for any non-discriminatory reason.

The probationary period does not establish a guaranteed period of employment. Employment may be terminated at any point during the probationary period for any non-discriminatory reason.

### **Notification of New Probationary Period for Certain Positions**

- A person who is selected for a position that requires certification following completion of a prescribed training program must complete a new probationary period.
- DHRM must approve the requirements for completion of a new probationary period. Agencies should identify positions having such requirements in their Agency Salary Administration Plans.
- Recruitment announcements for positions that require new probationary periods must include language that addresses this requirement. Information regarding the additional probationary requirement must be included in offer letters or other written employment notification.

## **EXTENDED PROBATIONARY PERIODS**

### **Notice of Extension**

- Employees must be notified in writing if their probationary period will be extended for performance reasons or due to leave.
- The notices must be completed and presented to employees approximately two weeks prior to the completion of the probationary period.
- If the twelve-month probationary period concludes without a notification of extension, the employee is considered to have successfully completed the probationary period.



### **Performance Reasons**

- Probationary periods may be extended for up to six (6) additional months for performance reasons. The notification and the reasons for the extension must be in writing and provided to the employee.
- Reviewers must approve extensions of the probationary period for performance reasons. The agency's HR office must be notified of the extension and included in the review of documentation.
- Documentation used by the agency to support extending the probationary period must provide information to the employee about the performance deficiencies, the expected level of performance and the period for which the probationary period is extended.

### **Extended Leave During Probationary Period**

- Probationary periods must be extended when probationary employees are on any paid or unpaid leave for more than 14 consecutive calendar days. This includes but is not limited to Workers' Compensation, Family Medical Leave, paid or unpaid Military Leave, or on Virginia Sickness and Disability Program (VSDP) short-term disability (STD) leave or long-term disability (LTD)-working status for more than 14 consecutive calendar days.
- Extensions include the first 14 days of absence, as well as those days in excess of 14, up to the return-to-work date.

### **Change of Position During Probation**

- When a probationary employee moves to a new position in the same or a different agency during their assigned probationary period, the probationary period may be extended by an additional six months provided the total probationary period does not exceed 18 months.

### **Limit on Extension**

- Extensions to the assigned probationary period cannot exceed six months, excluding periods of paid or unpaid leave as described above.

## **PERFORMANCE EXPECTATIONS and PROBATIONARY PROGRESS REVIEWS**

### **Supervisor Responsibilities**

- Supervisors must establish performance objectives for each new employee.



- The Employee Performance Profile (EPP) should be established and communicated to the employee within the first 30 days of employment. See Policy 1.40, Performance Planning and Evaluation, Employee Performance Profiles.
- Supervisors must ensure the probationary employee receives the training and resources needed to perform the required duties.
- Probationary employees must be provided with comprehensive onboarding with orientation to state and agency policies and procedures and workplace safety requirements.

#### **Performance Feedback and Documentation**

- Supervisors must provide feedback to probationary employees during the probationary period in addition to the required 6-month and end of probationary reviews. Such feedback must be documented in a confidential supervisory file or performance management system.
- Supervisors must complete probationary reviews at 6 months and prior to the conclusion of the employee's 12-month probationary period.
- Supervisors should conduct regular check ins with probationary employees to assess progress, provide resources and provide guidance and direction throughout the probationary period.
- Interim feedback may be captured in the performance management system at any time during the probationary period to document the employee's progress or to provide feedback to the employee.
- The probationary progress reviews must include a rating of Successful or Unsuccessful with comments documenting progress made and/ or improvements needed.
- Documentation of an employee's progress during the probationary period, such as memoranda or interim evaluations, should be kept in a confidential supervisor's file or performance management system. Employees should have access to or be provided with copies of any documentation of their work performance.

#### **Unsatisfactory Performance or Conduct During Probationary Period**

- If a probationary employee's performance or conduct is unsatisfactory at any time during the probationary period, this may be a basis for termination.
- Supervisors must partner with their Agency's Office of Human Resources for guidance and direction specific to addressing unsatisfactory conduct or performance.



## COMPLETION OF PROBATIONARY PERIOD

### Performance Review Prior to Conclusion of Probationary Period

- Prior to the conclusion of the probationary period, the supervisor should conduct a probationary review to assess performance during the entire probationary period and to include a determination of:
  - successful completion of the probationary period;
  - an extension of the probationary period as outlined in this policy; or
  - Termination of employment.

### Completion of Probation

- The supervisor must notify the employee when the probationary period has been completed successfully.
- If a probationary employee works beyond their assigned probationary period without being notified (1) of successful completion or (2) that the probationary period was extended, the employee will be regarded as having successfully completed the probationary requirement. Successful completion does not guarantee the employee continued, permanent employment.
- Upon completion of the assigned probationary period, covered employees are eligible to participate in the State Employee Grievance Program.
- Upon completion of the probationary period, employees are not required to complete a new probationary period for transfers, promotions or demotions to other classified positions without a break in service, including inter-agency transfers except for certain positions requiring specialized probationary periods as noted in this policy.
  - Employees who leave state employment with a break in service will be required to complete a new 12-Month probationary period.

### Record Retention

- The Probationary Progress Reviews must be kept in the employee's personnel file or in a performance management system.



## TERMINATION OR DISCIPLINARY ACTION

- If the agency determines at any time during the probationary period that an employee is not suited for the job, the employee should be terminated or allowed to resign in lieu of termination.
- During the probationary period, employees may be terminated by the agency for any non-discriminatory reason, without access to the State Grievance Procedure.
  - A probationary employee who believes that termination or other disciplinary action was based on race, sex, color, national origin, religion, sexual orientation, gender identity, age, pregnancy (childbirth or related medical conditions), veteran status, political affiliation, genetic information, retaliation, or disability may file a discrimination complaint with the employing agency's Human Resources office. If the employee disagrees with the agency's decision, they may appeal to the Office of Workforce Engagement within DHRM.
- Records related to termination must reflect "Unsatisfactory performance during the probationary period" or "Resignation in lieu of termination."
- Probationary employees may be disciplined using Standards of Conduct, Policy 1.60, as a guide. Written Notice forms must not be issued when disciplining probationary employees.
- Termination or disciplinary actions should be in writing and presented to the employee by memorandum or letter. Refer to Policy 1.70, Termination/Separation from State Service for additional information on the disposition of leave and other benefits upon separation from state service.

NOTE: Any employee who is promoted within the same agency to a higher position that requires serving another probationary period must be offered to be returned to their previous position or an equivalent vacancy if the probationary period is not completed for any reason other than misconduct per § 2.2-2812 B of the Code of Virginia. Agencies also may provide such consideration to employees who voluntarily transfer to positions requiring new probation periods.

## AGENCY SALARY ADMINISTRATION PLANS

### Salary Administration Plan

- Each agency's probationary practices, including alternative feedback forms, must be described in their Agency Salary Administration Plan. Alternative forms must be approved by DHRM.



### **Salary Increases During Probationary Periods**

- Agencies may provide salary increases to probationary employees in accordance with DHRM Policy 3.05, Compensation and their Agency's Salary Administration Plan.
- Probationary employees may or may not be eligible for statewide salary increases awarded through the State Budget. Agencies must follow the guidance and instruction provided by DHRM for administering these increases.

## **GLOSSARY**

### **Covered Positions**

Positions in the Executive Branch that are covered by the Virginia Personnel Act (§ 2.2-2900 et seq. of the Code of Virginia). Also known as classified positions.

### **Excepted/ Exempted Positions**

Positions that are not covered by the Virginia Personnel Act including positions in the Judicial and Legislative Branches of state government. Certain Executive Branch positions as specified in §2.2-2905 of the Code of Virginia, also are considered excepted.

### **Probationary Period**

Introductory period of employment that allows the employee and agency to determine if the employee is suited for the job. During the probationary period, employees may be terminated without access to the State Grievance Procedure. The normal probationary period is 12 months; however, it can be extended as described in this policy for up to 18 months.