

## Entrance Probation – Guidance 10.12.22

### Failure to complete entrance probation –

- Must be done within the initial 1,040 CSS hours of employment in the position unless probation is extended. (or 2,080 for Peace Officers). Provide 15 calendar days notice. The 15 days notice must be within the 1,040 hours (or 2,080 for Peace Officers).
- Appointing Authority (agency head) has authority to make this decision.
- Caution – ADA accommodations might make this complicated.
- Best Practice – Some documentation on expectations set and not met.
  - Documentation to include in the employee file:
    - Memo to employee regarding failure to pass entrance probation.
    - Resignation from employee, if applicable
  - Documentation to keep in the supervisor/hr file:
    - Performance management documentation – 5 year retention post separation
- Performance Evaluation
  - Complete a PE formally with a Does Not Achieves rating. Just note that it is a failure to pass entrance probation. No other documentation necessary. DHR has a proposed rule change. This may change.
- Required to advise of their right to resign:
  - *An employee who does not serve satisfactorily during the entrance or voluntary probation must first be given the opportunity in writing to resign without prejudice.*
    - **Separation without prejudice** means a non-disciplinary removal from state service, without appeal rights, of an employee in good standing. That does not mean that the employee cannot get another job within the state. However, we are still able to provide information regarding the employee's employment to another state agency upon reference review.
- ADT upon resignation
  - Use of when failing to complete probation – you do not need to provide ADT for every situation when you have notified an employee of failure to complete entrance probation. You can allow the employee to work during the notification period. However, if you have concerns about the affect of the employee in the workplace, ADT is a great choice.
  - Upon resignation: If you have placed the employee on administrative leave with pay for the duration of the notification period for failure to pass entrance probation and the employee resigns, you will keep the same separation date and continue to pay administrative leave in most instances.
  - ADT and CSS Hours – use of ADT does count towards CSS hours.

### Extension of entrance probation –

- Requests 30 days prior to passing – Written request must be made to the DHR Administrator 30 days prior to the employee reaching 1,040 CSS hours in the position. (or 2,080 for Peace Officers)
  - For full-time employees, this is at about 750 hours

- For part-time employees, you will need to calculate based on how many hours you expect the employee to work
- The timing is meant to allow the DHR Administrator to review the request in a timely manner, so that the agency still has time to make the decision to process a failure to pass entrance probation if the extension is not approved.<sup>1</sup>
- Request needs to include:
  - CSS hours (including the current pay period – call this out)
  - PCN of the employee you wish to extend
  - Written explanation with the reason for extending, including a plan to address any training and/or performance concerns.
  - How long you want to extend. Less than 1,040 hours when prudent. (IPOPS action will still be for 1,040 hours to allow for potential flexibility)
  - How will adding more time to the probation period improve the situation?
- Reasons that DHR Administrator will consider an extension of entrance probation:
  - Seasonal – the position is so seasonal in nature, that the supervisor is unable to truly determine the employee’s ability to satisfactorily perform the essential functions of the role. Ideally, we would notify the employee of the extended probationary period prior to hiring.
  - Training/Certification Requirements– the employee is required to complete a specific training program to qualify for the position. The training program length must impede the ability of the supervisor to ascertain the employee’s ability to satisfactorily perform the essential functions of the job. In this case, the agency may request “blanket” approval for a longer probationary period for these specific positions. Ideally, we would notify the employee of the extended probationary period prior to hiring.
    - If you have a particular classification that has a certification (e.g. POST, Financial Examination, etc.) that exceeds the 1040 hours consistently, we recommend sending a memo to the DHR Administrator with details of the request.
  - Extenuating Circumstances – such as the supervisor or employee are on extended leave during the probationary period. Or, a supervisor change happens midway through the probationary period.
  - Job Duties Change - in a situation where the probationary employee’s job duties change significantly, so much that the supervisor cannot make a determination on the employee’s ability to satisfactorily perform the essential functions of the new role.
- Reasons that DHR Administrator will NOT consider approving an extension of probation:
  - To delay a decision to separate employment.
  - To make sure that the employee will continue to behave appropriately.
  - For poor performance or attendance issues.

Non-Classified employees – this process should only be followed for classified positions. Non-classified employees should be treated similarly to classified employees and be given notice of performance

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<sup>1</sup> Notice to the employee of termination for unsatisfactory service must be made not later than fifteen (15) calendar days prior to the effective date of termination, unless there are extenuating circumstances (Rule 152.02.b).

deficiencies and an opportunity to improve. Agencies must also keep documentation regarding performance for non-classified.

**Associated Resources:**

- IDAPA 15.04.01.150.03
- Idaho Statute - Title 67-5332 – Credited State Service – applicability – computation.
- Extension of Probation Request Template
- Example – Failure to Pass Entrance Probation Memo