

## **Chapter 7 Probationary Evaluation Periods**

**[7.01 Requirements and Purpose](#)**

**[7.02 Timeframes for All Probationary Extension Requests](#)**

**[7.03 Provisions for Probationary Extensions](#)**

## Chapter 7 Probationary Evaluation Periods

### 7.01 Requirements and Purpose

A probationary period for original and promotional appointments is required by Wisconsin Stat. 230.28. Where the probation is permissive, employing units are expected to use the full permissive probation as a regular employment practice. A copy of the Classified Probationary Report form is available at

<http://www.ohr.wisc.edu/Forms/form.html#flag2>

The probationary period is for employees to show that they are capable of satisfactorily performing the job for which they were hired. Employees typically will show you their best.

### Information for Supervisors

**Consult with your Human Resources Representative as soon as you have any concern about a probationary employee's job performance or conduct.**

Supervisors have a responsibility to the institution to ensure that only employees who meet conduct and performance expectations complete the probationary period.

An employee may be dismissed during probation for unsatisfactory work performance or work rule violation. We do not use progressive discipline with employees who are on probation. Termination is a painful experience for both the supervisor and the employee, but nothing is gained by delaying action. If it has been determined the individual will not pass probation, we have an obligation to dismiss the person in writing as soon as possible in consultation with the unit's Human Resources Representative rather than delay the action until the end of the probationary period per ER-MRS 13.08 (2).

Be aware, according to ER-MRS 13.09, an individual who works through the last scheduled work day of the probationary period obtains permanent status in class (passes probation) regardless of whether a dismissal was in progress or verbally communicated.

Refer any questions about probationary periods to your Human Resources Representative.

## **Chapter 7 Probationary Evaluation Periods**

### **7.02 Timeframes for All Probationary Extension Requests**

Supervisors should contact their employing unit Human Resources Representative if they believe a probationary extension may be appropriate. There are limited reasons certain probationary periods may be extended which are explained in the next section. All extension requests should be made to the Classified Human Resources Office (CHR) with as much lead time as possible. CHR cannot guarantee that requests made with less than two-week notice before the end of an employee's probation will be completed prior to the probation's end date. Be aware under ER-MRS 13.09 permanent status is attained (probation is passed) immediately upon completion of the last work period to which the employee was assigned to work during his or her probationary period regardless of whether the last work period falls on or before the last day of the probationary period. The Office of State Employment Relations (OSER) has consistently interpreted this to mean the extension must be approved and written notice given to the employee BEFORE this last work period, or the employee attains permanent status in class (passes probation).

published October 2007

## Chapter 7 Probationary Evaluation Periods

### 7.03 Provisions for Probationary Extensions

The Wisconsin Administrative Code provides limited reasons certain probationary periods may be extended. Details of these extensions are explained in the rest of this section.

The two reasons listed below, ER-MRS 13.02 (2)(a) and (2)(b) apply **only** to six-month original or promotional probationary periods. They do **not** apply to permissive probations or the one-year probations served by employees in positions designated as supervisory or managerial.

The Office of State Employment Relations has granted the authority to approve an extension under ER-MRS 13.02 to Classified Human Resources.

**(1) ER-MRS 13.02 (2)(a) “...Unanticipated change in the program or duty assignment,**

OR

**(2) ER-MRS 13.02 (2)(b) “...substantial change in performance”**

The next two reasons listed below, ER-MRS 13.05 and WIS. Stat 230.28 (bm) apply to any probationary period except one-year probations for supervisory or management positions.

**(3) ER-MRS 13.05 extensions due to absences for any reason approved by the appointing authority**

The Wisconsin Administrative Code grants the authority to approve an extension under this provision to the employing unit’s appointing authority (the employing unit’s Human Resources Representative).

**(4) WIS. STAT. 230.28 (bm) extensions due to accommodation needs**

Only the Office of State Employment Relations has the authority to approve an extension under this provision.

The next reason, Bulletin OSER-0049-MRS extensions due to light or modified duty applies to positions that require probation and permissive probations.

**(5) OSER-0049-MRS extensions due to assignment of “light or modified duty”** due to an injury on the job when the modified duties do not constitute a majority of the essential job duties for which the employee was hired.

Authority to approve an extension under this provision is delegated to the employing unit’s appointing authority (the employing unit’s Human Resources Representative).

**(1) Requesting an extension under 13.02 (2)(a) “...Unanticipated change in the program or duty assignment**

**Required information**

An explanation of the *unanticipated* change in program or duty assignment and the new duties the employee will need to accomplish in order to successfully pass the probation.

The employing unit Human Resources Representative should use [APPENDIX 7A](#) to submit the request to CHR.

**(2) Requesting an extension under ER-MRS 13.02 (2) (b) “...substantial change in performance”**

**Required information**

A. A copy of an earlier probationary performance evaluation or, at minimum, a description of the earlier performance

B. A copy of a recently prepared probationary performance evaluation that reflects current performance showing a substantial change in performance when compared to the information provided in A above.

C. A draft letter to the employee from the supervisor, which addresses the following:

- Identification of the specific performance outcome(s) that must be achieved or maintained
- Identification of strategies the employer will take to improve the employee performance or for providing the employee the necessary training
- A proposed schedule of meetings (preferably weekly or biweekly) to share feedback and expectations to keep the employee fairly informed of his or her status and progress

The employing unit Human Resources Representative should use [APPENDIX 7B](#) to submit the request to CHR.

**Process for extensions under ER-MRS 13.02 ( #1 and #2 above)**

Upon receipt of a request of extension under ER-MRS 13.02 (2)(a) or (2)(b), CHR will contact the employing unit personnel office to resolve any questions about the submitted request CHR will inform the employing unit personnel representative if the request is approved or denied.

If approved, CHR will:

- enter the revised end date in the appointment system
- inform the employee by letter of the extended probation date (with a hard copy and an e-mail copy to the employing unit personnel representative)
- place a copy in the employee’s personnel file
- maintain the original request in a separate probation extension file subject to inspection by the Administrator of DMRS staff member.

If approved, the employing unit will:

- Ensure the supervisor’s letter to the employee is finalized and sent to the employee with a copy to CHR personnel file.

**(3) Requesting an extension under ER-MRS 13.05 due to absences**

The Wisconsin Administrative Code grants the authority to approve an extension under ER-MRS 13.05 to the employing unit’s appointing authority, which is the employing unit’s Human Resources Representative.

The employing unit appointing authority (who is typically the Human Resources Representative) has the authority to decide if the probation will be extended for absences that were approved for any reason by the appointing authority up to 174 hours.

For absences more than 174 hours, the probation must be extended, and the appointing authority may waive up to 174 hours.

**Process for extensions due to absences under ER-MRS 13.05 (#3 above)**

When approved, the employing unit's appointing authority will:

- send to the employee notification of the extension under ER-MRS 13.05, identifying the reason and new probationary end date [APPENDIX 7C](#)  
AND
- send a copy to CHR personnel file, marking such letters **ATTENTION PROBATION END DATE CHANGE** to alert CHR to enter the new date into the appointment system

Upon receipt of the above information, CHR will:

- change the end date in the appointment system and file the letter in the employee's personnel file.

**(4) Extensions under WIS. STAT. 230.28 (bm) are not delegated to UW Madison.** The Divisional Disability Representative (DDR) in the employing unit develops the request for the extension in consultation with the Disability Coordinator/Employment in the Office of Equity and Diversity. The request should identify Wis. Stat. 230.28 (bm) and explain the reasons for the extension.

Classified Human Resources should be notified when such an extension is granted to ensure the probationary period is extended on the 3270 system.

**(5) Requesting an extension under Bulletin OSER-0049-MRS due to assignment of "light or modified duty" due to an on-the-job injury when the modified duties do not constitute a majority of the essential job duties for which the employee was hired.**

Follow the process steps above under **(3) An extension due to absences (ER-MRS 13.05)** with this modification: Use template letter [APPENDIX 7D](#)