

**Policy 1322**  
**Classified Employee Probationary Period**

**Date of Current Revision: November 2023**  
**Responsible Officer: Director of Human Resources**

**1. PURPOSE**

To establish the university's policy for the mandated probationary period for classified employees.

**2. AUTHORITY**

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia § 23.1-1600; § 23.1-1301. The Board has delegated the authority to manage the university to the president.

**STATE OR FEDERAL STATUTE AND/OR REGULATION**

Virginia Department of Human Resource Management (DHRM) Policy [1.45](#) - Probationary Period

VA Code § 2.2-2812 Employment of Personnel.

**3. DEFINITIONS**

**Classified Employee**

At JMU, a non-faculty, full-time employee who is covered by the [Virginia Personnel Act](#).

**Probationary Period**

The introductory period of employment that allows the employee and JMU to determine if the employee is suited for the job. During the probationary period, employees may be terminated at the discretion of the employee's immediate supervisor, without access to the [State Grievance Procedure](#). The normal probationary period is 12 months; however, it can be extended for up to 18 months for reasons described within this policy.

**Probationary Progress Review**

Formal reviews held at three, six, nine and 12 months in the employee's probationary period. Supervisors use the [Probationary Progress Review form](#) to assess and document the employee's performance during their first year of employment.

**4. APPLICABILITY**

This policy applies to classified employees and those who supervise them.

**5. POLICY**

It is the university's policy to require classified employees to satisfactorily complete a 12-month probationary period as a prerequisite to continued employment with the university.

## **6. PROCEDURES**

### **6.1 New Employment/Re-employment**

A person hired into a classified position must serve a 12-month probationary period effective from the date of employment. A person rehired after a break in service of any length must serve a 12-month probationary period effective from the rehire date. Employees who have completed a probationary period during their current employment, and who begin a new classified position with no break in service, are not required to serve a new probationary period unless they fall within the guidelines of 6.2 and 6.3 for positions that require a new and/or extended probationary period.

### **6.2 New Probationary Period**

A person hired for a position that requires certification following completion of a prescribed training program must complete a new probationary period. Recruitment announcements for positions that require new probationary periods must include this requirement. Offer letters or other written employment notification also must include information about the additional probationary requirement, as appropriate.

An employee who is promoted into a higher position that requires serving another probationary period shall be offered to be returned to the employee's previous position or an equivalent vacancy if the probationary period is not completed for any reason other than misconduct.

### **6.3 Reasons for Extending the Probationary Period**

Probationary periods may be extended for up to six additional months for performance reasons. Supervisors must contact their HR consultant for guidance on the appropriateness of extending an employee's probationary period.

Probationary periods must be extended when a probationary employee is on any leave with or without pay for more than 14 consecutive calendar days.

Leaves requiring extension of the probationary period may include:

- Family Medical Leave
- Leave without pay (educational, layoff, medical, personal)
- Military leave with or without pay
- Virginia Sickness and Disability Program (VSDP) short-term disability (STD) leave for more than 14 consecutive calendar days. Also included are periods of short-term disability where the employee is working in an "active employment" status with restrictions/modifications.
- Workers' Compensation

Extensions include the first 14 consecutive calendar days of absence, as well as those days in excess of 14, up to the date an employee returns to work. The total probationary period may not exceed 18 months, excluding periods of leave with or without pay.

### **6.4 Change in Position during the Probationary Period**

When a probationary employee moves to a different position during the first six months of the probationary period, the remainder of the 12-month requirement must be completed. (However, the probationary period also may be extended for performance or leave reasons

as described above.)

When a probationary employee moves to a new position during the last six months of the probationary period, the employee's probationary period may remain as the original 12 months, or may be extended so that the new supervisor has the benefit of the full 12-month probationary period. However, the total time served in probationary status may not exceed 18 months (excluding any periods of leave that exceed 14 consecutive calendar days as described above).

### **6.5 Employee Notification of Extended Probationary Period**

The employee must be notified in writing on the Probationary Progress Review form if their probationary periods will be extended beyond the initial 12 months. Extensions must be approved by the reviewer.

### **6.6 Probationary Progress Reviews during the Probationary Period**

- The supervisor will complete the [Probationary Progress Review form](#) and meet with the employee at the end of three, six and nine months to record and review employee progress towards meeting established essential functions, special assignments and departmental values as well as make recommendations for performance improvement. A rating of Below Contributor requires establishing an Employee Development plan as specified in section four of the Probationary Progress Review form.
- Three weeks prior to the completion of the probationary period, the supervisor will complete the [Probationary Progress Review form](#) and meet with the employee to discuss the employee's progress.
- The Probationary Progress Review is an official form that is kept in the employee's personnel file in Human Resources.

### **6.7 Additional Documentation of Work Performance**

Documentation other than the Probationary Progress Review, such as any memoranda or an interim evaluation, is not official documentation of performance and should be kept in a confidential file separate from the employee's personnel file.

### **6.8 Termination or Disciplinary Action**

If the university determines at any time during the probationary period that an employee is not suited for the job and unable to improve satisfactorily, the employee shall be terminated or allowed to resign at the discretion of the university. Notification of termination must be issued in writing by using the Probationary Progress Review form. If notification must be made by mail, it is recommended that it be sent by certified or registered mail. Records related to termination shall reflect "unsatisfactory performance during the probationary period" or "resignation."

Probationary employees do not have access to the [State Grievance Procedure](#) to grieve a termination or disciplinary action. Any employee, including a probationary employee, who claims that termination, or other disciplinary action, was based on age, color, disability, gender expression, gender identity, genetic information (including family medical history), marital status, military status (including veteran status), national origin (including ethnicity), parental status, political affiliation, pregnancy (including childbirth or related medical conditions) race, religion, sex, sexual orientation, or any basis protected by law may file a discrimination complaint with JMU's [Office of Equal Opportunity](#) or the [Department of Human Resources Management's Office of Diversity, Opportunity, and Inclusion](#).

## **6.9 Completion of Probationary Period**

The supervisor should meet with the probationary employee three weeks prior to completion of the 12-month probationary period and provide the employee with a completed Probationary Progress Review. If a probationary employee works beyond a 12-month period without being notified (1) of satisfactory completion or (2) that the probationary period was extended, the employee will be regarded as having successfully completed the probationary requirement.

Satisfactory completion of the probationary period does not result in the employee receiving a guarantee of continued employment, but entitles the employee to certain rights as set forth in university policies.

There are no automatic pay increases because of completion of the probationary period.

A classified employee must have completed their probationary period to be eligible for 40 hours of [Service Recognition Leave](#). An extension of an employee's probationary period for any reason will make the employee ineligible for Service Recognition Leave.

When the 12-month Probationary Progress Review is completed between July 1 and October 24, supervisors may submit this in lieu of completing an Annual Performance Evaluation.

## **6.10 Performance Increases**

Performance increases for probationary employees, when available, must be based on the employee's most recent Probationary Progress Review rating. The rating must be at the contributor level to be eligible for a performance increase, which when funded, becomes effective at a time designated by the state or the university.

## **7. RESPONSIBILITIES**

The director of human resources is responsible for the consistent application of this policy. The director of human resources, as well as vice presidents, assistant/associate vice presidents, vice provosts and assistant/associate vice provosts, deans, directors, and department heads are responsible to ensure that probationary employees are informed of this policy. In addition, division leaders, unit leaders, and department heads are responsible for their departments' adherence to this policy. Questions related to the application of this policy should be directed to an [HR Consultant](#).

Supervisors are responsible for conducting effective performance evaluation meetings at three, six, and nine months, as well as three weeks prior to the end of the probationary period.

Human Resources is responsible for reminding supervisors that reviews are due, as well as maintaining completed probationary progress review forms.

All departments, offices, and employees that generate, receive, or maintain public records under the terms of this policy are also responsible for compliance with Policy [1109](#) - Records Management.

## **8. SANCTIONS**

Sanctions will be commensurate with the severity and frequency of the offense and may include termination.

## **9. EXCLUSIONS**

This policy does not apply to student employees, wage employees, or faculty.

## **10. INTERPRETATION**

The authority to interpret this policy rests with the president and is generally delegated to the director of human resources.

**Previous Version:** June 2021

**Approved by the president:** September 2002