

GENERAL DISTRIBUTION

WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION

NUMBER: 131.02

EFFECTIVE DATE: 19 April 2023

SUBJECT: **PROBATIONARY PERIOD**

POLICY DIRECTIVE

PURPOSE:

To establish appropriate guidelines and procedures for employees to serve a probationary period.

REFERENCE:

143CSR1 Title 143 Legislative Rule of the West Virginia Division of Personnel.

RESPONSIBILITY:

No additional written instructions on this subject are required.

CANCELLATION:

Any previous written instruction on the subject including DCR Policy Directive 131.02, dated 21 December 2022.

APPLICABILITY:

All facilities and work units within the Division of Corrections and Rehabilitation (DCR). This Policy is available for general distribution.

DEFINITIONS:

Appointing Authority: The executive or head of a department or agency who is authorized by statute to appoint employees in the classified or classified-exempt service.

Classified Employee: An employee who occupies a position allocated to a class in the classified service.

Classified-Exempt Service: As established by statute, those positions which satisfy the definitions for "class" and "classify" but which are not covered under the Division of Personnel merit system standards.

Employee: Any person employed by the State of West Virginia working at Central Office, a correctional facility, or other work unit within the West Virginia Division of Corrections and Rehabilitation. For the purposes of this Policy, this does not include temporary employees, contractors and their employees, or volunteers.

Permanent Employee: Any classified employee who was hired from a register and who has completed the probationary period prescribed by the State Personnel Board for the job class, or any classified-exempt employee who was hired to fill a position for an unlimited period of time, notwithstanding the Appointing Authority's right to terminate the employee for cause or at his or her will.

Reinstatement: A type of re-employment of a former permanent classified employee.

POLICY:

- I. The probationary period is a trial work period designed to allow the Appointing Authority an opportunity to evaluate the ability of the employee to effectively perform the work of his or her position and to adjust himself or herself to the Division of Corrections and Rehabilitation (DCR). It is an integral part of the examination process and the Appointing Authority shall use the probationary period for the most effective adjustment of a new employee and the elimination of those employees who do not meet the required standards of work.
- II. The length of time for probationary periods for each job classification is set by the State Personnel Board.
 - A. All new DCR employees with the Division of Personnel job title of Correctional Officer or Probation and Parole Officer 1 will serve a mandatory one (1) year probationary period.
 - B. All new employees, other than those with the title of Correctional Officer or Probation and Parole Officer 1, will serve a mandatory six (6) month probationary period.
 - C. Time spent by probationary employees on unpaid leave of absence, disciplinary suspension, or non-disciplinary suspension resulting in separation from employment through resignation, transfer, or dismissal extends the probationary period correspondingly.
 1. Employees receiving temporary total disability benefits as the result of a work-related injury are considered to be on an unpaid medical leave of absence without pay status and extends the probationary period for a period of time equal to the leave of absence.
 2. Time spent on military leave also extends the probationary period.
 - D. An employee shall not be eligible for transfer during his or her probationary period.

- E. Employees appointed through reinstatement shall serve a new probationary period.
- F. Permanent employees transferring from one position to another position will not be required to repeat a probationary period.
- III. In the event the Appointing Authority takes no action on the status of a probationary employee before the expiration of the probationary period, either to retain or dismiss, the employee shall be considered as having attained permanent status. Permanent status begins the first day following the expiration of the probationary period.
- IV. The serving of a probationary period shall not prevent an employee from being demoted to a position in a lower class, provided he or she meets the minimum qualifications of the lower class. However, the Appointing Authority may not take this action until the employee has been presented with the reasons in writing and has been given a reasonable time to reply in writing, or to appear personally and reply to the Appointing Authority or his or her designee. The Appointing Authority shall not take this action until the employee has completed one-third of the probationary period and the Appointing Authority has obtained the approval of the Director of the Division of Personnel. The probationary period for the class of position to which the employee is demoted begins with the date of demotion.
- V. If at any time during the probationary period, the Appointing Authority determines that the services of the employee are unsatisfactory, the Appointing Authority may dismiss the employee. If the Appointing Authority gives the fifteen (15) day notice on or before the last day of the probationary period, but less than fifteen (15) days in advance of that date, the probationary period shall be extended fifteen (15) days from the date of the notice and the employee shall not attain permanent status. This extension shall not apply to employees serving a twelve (12) month probationary period.

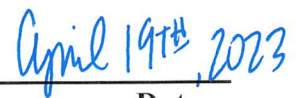
ATTACHMENT(S):

None.

APPROVED SIGNATURE:



William K. Marshall III, Commissioner



Date