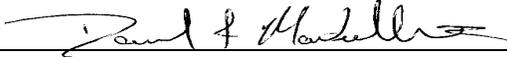


 <p><b>NEW YORK STATE</b> <b>Corrections and Community Supervision</b></p> <p><b>DIRECTIVE</b></p>	TITLE		NO. 2219
	<b>Employee Probation</b>		DATE 05/07/2015
SUPERSEDES DIR# 2219 Dtd. 10/23/2013	DISTRIBUTION A	PAGES PAGE 1 OF 7	DATE LAST REVISED
REFERENCES (Include but are not limited to)	APPROVING AUTHORITY 		

- I. DESCRIPTION:** The final and most important step in the selection process for appointing and promoting employees within State service is the probationary period. During this time period, a Supervisor has an opportunity to train the employee and evaluate his or her job performance. The Supervisor must also determine whether to retain the individual or, when it is in the best interest of the Department, recommend termination.

Each facility and office must ensure that an evaluation program is implemented fairly and in strict accordance with Section 4.5 of the Rules for the Classified Service and the policies and procedures established by this Department. The Director of Personnel has the responsibility of making decisions based on each Supervisor's recommendations regarding an employee's probation; therefore, any questions or problems that occur must be referred to that office.

**II. POLICY**

**A. Duration of Probationary Periods: (See Table #1)**

1. Permanent full-time appointments from an open-competitive list or an original appointment to a position in the non-competitive, exempt, or labor class require a probationary period of no less than twenty-six nor more than fifty-two weeks.  
Exceptions to the normal probationary period are:
  - a. Traineeship appointments serve a probationary period equal to the duration of the traineeship.
  - b. Teachers are required to serve a probationary period of not less than one year nor more than three years.
  - c. Vocational Instructors are required to serve a probationary period of one to three years of accumulated service at any and all of the Vocational Instructor levels within a particular specialty. Appointments directly to the Vocational Instructor 4 level are required to serve a probationary period of one year, unless the incumbent has completed three years of probation in the Vocational Instructor series within a particular specialty.
  - d. Less than full-time permanent appointments require that the maximum probationary period be served. Therefore, these employees are required to be on probation until the actual amount of time worked is equal to the time required for a full-time employee.

2. Any appointments obtained by promotion or an interdepartmental transfer require that an employee serve a probationary period as follows:  
Grade 13 and below - not less than eight nor more than twenty-six weeks.  
Grade 14 and above - not less than twelve nor more than fifty-two weeks.  
For purposes of probation, the term "promotion" includes the appointment of an employee to a higher grade position in the non-competitive class.
3. The Director of Personnel may approve a Superintendent's, Regional Director's, or Division Head's recommendation for permanent retention of an employee before the maximum probationary period is completed if he or she had previous satisfactory service with the Department on a temporary or provisional basis in that title. The minimum period must be completed before any request for retention can be considered.
4. When an employee is permanently reinstated to State service in accordance with 5.4 of the Rules for the Classified Service, he or she must serve a new probationary period in the same manner and subject to the same duration as apply to the original appointment to such position (see Section 4.5(e) of the Rules for the Classified Service).
5. Any employee appointed or promoted on a temporary or provisional basis should be evaluated at the same intervals as a permanent employee on the appropriate evaluation form. Should the temporary or provisional employee attain permanent status, his or her official probationary period begins at that time pursuant to Section 4.5 of the Rules for the Classified Service.

B. Extension of Probationary Period

1. It is required that all new employees serve the maximum probationary period associated with their position before acquiring full tenure.
2. Section 4.5(f) of the Rules for the Classified Service requires that any probationer's absence of more than the number of workdays specified below shall have the minimum and maximum probationary periods extended. It is the Department's policy that all absences, whether authorized or unauthorized, with the exception of military and holiday leave and overtime compensatory time, are to be counted in the extension.

<u>Maximum Period</u>	<u>Workdays Absent</u>
26 weeks	10
52 weeks	20

For traineeships exceeding one year, multiply the number of years of the traineeship by 20 workdays. Probationary periods may be extended for fewer absences than specified above, subject to the discretion of the Director of Personnel.

3. For promotional probationary periods only, the Supervisor may recommend, and the Superintendent, Regional Director, or Division Head may approve, that the probationary period of employees absent in excess of the above-stated workdays be extended only by the total number of days absent in excess of those days (e.g., a Correction Sergeant who is absent 23 workdays may, subject to the approval of the Superintendent, have his or her probation extended by only three workdays).

#### C. Termination

1. If the conduct or performance of a probationer is not satisfactory, his or her services may be terminated solely by and with the written approval of the Director of Personnel, in accordance with Section 4.5 of the Rules for the Classified Service, any time after eight weeks and before completion of the maximum period of probation.
2. A probationer serving a traineeship may be terminated at any time after a specified minimum period of service. Unless otherwise prescribed in the exam announcement, the minimum period of service shall be eight weeks.
3. The Superintendent, Regional Director, or Division Head should notify the Bureau of Personnel no later than three weeks prior to the end of the probationary period of the decision to recommend termination of an employee. This will allow ample time for thorough review at various levels within Central Office, for submission of additional information if needed, and the final determination of the Director of Personnel.
4. An employee shall receive written notice one week prior to probationary termination. The Courts have determined that the date of mailing constitutes the start of that one week notice. Upon request, the employee shall be granted an interview with the appointing authority or designee.
5. The Central Office Bureau of Personnel may offer a probationer, who would otherwise be terminated, an opportunity to serve a second probationary period in a different assignment, under another Supervisor, for an additional period of no less than twelve weeks nor more than twenty-six weeks. This option cannot be considered for employees serving a traineeship (e.g., Correction Officer Trainee, Offender Rehabilitation Coordinator Trainee, and Parole Officer Trainee).

### III. EMPLOYEE EVALUATION DURING PROBATION

#### A. Written Reports

1. During the course of a probationary period, the probationer's Supervisor(s) must prepare formal evaluations of the employee's progress and performance by using one of the following forms:
  - a. [Form #1246](#), "Probationary Period – Evaluation Report (Correction Officer and Non-Professional Civilian Positions)," to evaluate personnel employed in entry-level security or clerical positions.

- b. [Form #1247](#), "Probationary Period – Evaluation Report (Supervisory Security Positions, Professional and Administrative)," to evaluate personnel employed in supervisory security positions and professional or administrative positions. For the title of Parole Officer (Trainee), in addition to [Form #1247](#), [Form #1254](#), "Parole Officer (Trainee) Performance Objectives," must also be completed.
2. While employees appointed on a temporary or provisional basis do not serve a probationary period in accordance with Section 4.5 of the Rules for the Classified Service, it is, nonetheless, important to assess their performance. As such, the following forms will be used:
  - a. [Form #1250](#), "Provisional/Temporary Appointment – Evaluation Report (Correction Officer and Non-Professional Civilian Positions)," to evaluate personnel appointed to entry-level security or clerical positions in a provisional or temporary status.
  - b. [Form #1249](#), "Provisional/Temporary Appointments – Evaluation Report (Supervisory Security Positions, Professional and Administrative)," to evaluate personnel appointed to supervisory security, professional or administrative positions in a provisional or temporary status. For the title of Parole Officer (Trainee), in addition to [Form #1249](#), [Form #1254](#) must also be completed.
3. All evaluations are signed by the probationer's Supervisor and then forwarded for review by either a member of the facility Executive staff, Regional Director, or Central Office Division Head.
4. The immediate Supervisor meets with the probationer to review the evaluation report, requests the probationer to sign the report which acknowledges the review and discussion, and provides a copy of the report to the employee. If the employee refuses to sign the form, it should be so noted on the form by the Supervisor.
5. When an employee reassigns to another facility, region, or unit during the probationary period, the releasing facility, region, or unit should complete a probationary evaluation covering the period from the date of the last evaluation to the date of the reassignment. This evaluation should be forwarded immediately to the receiving facility, region, or unit along with the employee's other personnel records, including the probationer's attendance record.
6. The Supervisor will submit the original evaluation report to the Personnel Office where it will be filed in the employee's Personal History File.
7. In cases of questionable retention, reports are to be prepared more frequently than shown on the attached schedule (every six weeks, four weeks, or if necessary every two weeks).

**B. Probationary Evaluation Tracking System**

1. The Central Office Bureau of Personnel maintains a system that tracks all employees serving probation in Central Office, Community Supervision Field Operations, and the Board of Parole. Records are kept by the date evaluations are due.

Each facility is responsible for maintaining its own tracking system, either through use of a computerized system or a manual file card system.

2. The tracking system should be reviewed every week by the Personnel Office to determine whose evaluations are due three weeks hence. If an evaluation is due, the following steps should be taken:
  - a. Prepare appropriate evaluation report and forward it to the appropriate Supervisor.
  - b. Update the follow-up records as the evaluation reports are returned.
3. If evaluations are not returned to the Personnel Office within one week of the due date, the second line Supervisor should be advised.

**IV. EMPLOYEE APPOINTED TO HIGHER LEVEL POSITIONS****A. Restoration**

1. During a probationary period, a permanent employee who accepted an intradepartmental or interdepartmental promotion has the right to return to his or her former title after providing the local Personnel Office with an adequate notice of at least two weeks.
2. An unsatisfactory probationary evaluation resulting in termination during a probationary period by an employee in a higher level position will restore that employee to his or her previously held permanent position.

**B. Promotion of a Probationer**

1. If an employee is appointed to a higher level promotional line position on a temporary or provisional basis during his or her probationary period, the appointing authority may allow credit for satisfactory probationary service toward the completion of the lower level position's probationary period.
2. In the event the appointing authority determines that the probationer is not performing satisfactorily in the higher level position, the probationer will be returned to the previously held permanent position.

**V. GENERAL**

- A. If an employee is terminated or resigns before the completion of probation, the employee may request that the Department of Civil Service restore his or her name to the eligible list from which he or she was appointed, provided the eligible list still exists.

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- B. During the probationary period, a Supervisor should prepare detailed narratives which contain specific examples of both strong and weak points of the employee's performance based on the duties and responsibilities of the position held. The employee may submit for the record any written response to his or her written evaluation.
  - C. Under the direct supervision of the facility Deputy Superintendent for Administration (or equivalent), or for Central Office, Community Supervision Field Operations, and the Board of Parole, the Director of Personnel, each Personnel Office is responsible for ensuring that the probationary evaluation reports are completed according to Section III of this directive without exception.
  - D. A position that is vacated as a result of a permanent promotion may be filled temporarily or on a contingent permanent basis pending the successful completion of the prior incumbent's probation.

Table 1

TYPE OF EMPLOYEE AND LENGTH OF PROBATION		1st Eval.	2nd Eval.	3rd Eval.	4th Eval.	5th Eval.	6th Eval.
Competitive, Non-Competitive, and Labor Class (26-52 weeks)		8 weeks	20 weeks	30 weeks	40 weeks	49 weeks	
Correction Officer Trainee (52 weeks)		8 weeks Trng. Acad.	11 weeks OJT (Fac.)	20 weeks	30 weeks	40 weeks	49 weeks
Inter and Intra Departmental Promotion and Transfer	SG-13 and below (8-26 weeks)	6 weeks	15 weeks	23 weeks			
	SG-14 and above (12-52 weeks)	6 weeks	10 weeks	20 weeks	30 weeks	40 weeks	49 weeks
Teachers/Vocational Instructors (1 yr. - 3 yrs.)		12 weeks	24 weeks	1 year	1 yr. 6 mos.	2 years	2 yrs. 11 mos.
Trainee 2 (52 weeks)		8 weeks	20 weeks	30 weeks	40 weeks	49 weeks	
Trainee 1 (52 weeks)		8 weeks	20 weeks	30 weeks	40 weeks	49 weeks	

NOTE: When an employee is advanced from Trainee 1 to Trainee 2 (one year after initial employment), the two year probationary period is continued. Those employees who have completed a "full" traineeship probationary period are not required to serve an additional probationary period upon being advanced to full title. In cases where a Trainee is being advanced to a different salary, a copy of the rating must be submitted to the Payroll Office.