

# Michigan Civil Service Commission

## Regulation 3.03

<b>Subject:</b> <b>Probationary Ratings</b>		
<b>SPDOC No.:</b> 17-11	<b>Effective Date:</b> January 1, 2018	<b>Replaces:</b> Reg. 2.06 (SPDOC 16-06, December 15, 2016)

### 1. Purpose

This regulation establishes procedures to conduct probationary ratings.

### 2. CSC Rule References

#### 3-6 *Probation and Status*

##### 3-6.1 *Probationary Period*

- (a) *Employee without status.* A newly appointed employee who lacks status in the classified service when appointed must satisfactorily complete a working test period called a probationary period and receive a satisfactory probationary rating at its end as a condition of continued employment.
- (b) *Employee with status.* An employee with status who is appointed to a classification where the employee does not have status must satisfactorily complete a working test period called a probationary period and receive a satisfactory probationary rating at its end as a condition of continued appointment in that position, unless otherwise provided in the regulations.
- (c) *SES and SEMAS.* This rule does not apply to appointees to positions in the senior executive service and senior executive management assistant service.

##### 3-6.2 *Probationary Period Length*

- (a) *Minimum length.* Unless a probationary appointment is terminated or rescinded, an appointing authority shall evaluate each probationary employee's performance and issue a probationary rating. The minimum probationary period is 12 months of full-time employment or 18 months of less-than-full-time employment. An appointing authority may, however, issue an interim rating to a probationary employee anytime during a probationary period.
  - (1) *Full-time.* An appointing authority shall rate a full-time probationary employee after 6 and 12 months of employment. The appointing authority shall also rate a probationary new hire after 3 months.
  - (2) *Not full-time.* An appointing authority shall rate a probationary employee not working full-time after 9 and 18 months of employment. The appointing authority shall also rate a probationary new hire after 3 months.

- (b) Extension.** *If the appointing authority determines that (1) the probationary period has been insufficient to adequately test a probationary employee or (2) a probationary employee's performance has been unsatisfactory, the appointing authority may extend the probationary period. Any extension beyond a total of six months requires the state personnel director's approval. The appointing authority shall give written notice of any extension to the employee. An extension cannot be grieved.*
- (c) Automatic extension.** *If an employee is suspended, on an unpaid leave of absence, or on extended sick leave, the probationary period is automatically extended by a period equal to the absence.*
- (d) Review.** *A supervisor or designee shall review each probationary rating with the employee. Both shall sign each rating as evidence of the review. An employee's signature does not indicate agreement. An employee may file an explanatory statement with a rating.*
- (e) Satisfactory rating.** *A satisfactory probationary rating is not discipline and is not grievable or reviewable.*
- (f) Unsatisfactory rating.**
- (1) Discipline.** *An unsatisfactory probationary rating is discipline and may be the basis for additional discipline, up to and including dismissal.*
  - (2) Grievance.** *An employee may grieve a probationary rating only as provided in rule 3-6.4.*
  - (3) Effects.** *An employee who receives an unsatisfactory rating is not eligible for a step increase, performance-pay award, or reclassification until a later satisfactory rating is issued. Any such action cannot be retroactive to a date before a new satisfactory rating is issued. The period under an unsatisfactory rating is not qualifying time for a step increase or reclassification.*
  - (4) Record.** *The employee's employment record must reflect any unsatisfactory rating.*
- (g) Failure to issue.** *An appointing authority shall extend the probationary period or issue a probationary rating by 28 days after a rating period ends. If an appointing authority fails to timely issue a rating or an extension, the employee may request its issuance in writing to the appointing authority's human resources director. If the appointing authority fails to issue a rating or extend the probationary period within 28 days after receiving a valid written request, the employee is deemed to have received a satisfactory rating for the period.*

### **3-6.3 Unsatisfactory Service**

- (a) Employee without status.** *If an employee without status does not perform satisfactorily during a probationary period, the appointing authority may issue an unsatisfactory rating and dismiss or otherwise discipline the employee anytime.*
- (b) Employee with status.** *If an employee with status is appointed to a new classification and does not perform satisfactorily during the probationary period, the appointing authority may issue an unsatisfactory rating anytime and (1) dismiss or otherwise discipline the employee or (2) rescind the appointment and demote the employee.*

### **3-6.4 Grievance of Probationary Rating or Discipline**

**(a) Probationary employee without status.** *A probationary employee without status who is dismissed or otherwise disciplined can only grieve within the agency steps of the civil service grievance procedure. The employee cannot appeal the appointing authority's final determination to civil service staff, unless the discipline violated rule 1-8 [Prohibited Discrimination] or rule 2-10 [Whistleblower Protection].*

**(b) Probationary employee with status.**

**(1) Rescission and demotion.** *If an appointing authority demotes a probationary employee with status to a classification level not less than that occupied immediately before the probationary appointment, the employee can only grieve the rescission and demotion as provided in rule 8-1. The employee cannot appeal the appointing authority's final determination, unless the discipline violated rule 1-8 or rule 2-10.*

**(2) Other discipline.** *A probationary employee with status who is dismissed or disciplined other than as provided in subsection (b)(1) may grieve the discipline. The appointing authority must demonstrate just cause for the discipline in any appeal.*

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## **3. Definitions**

### **A. CSC Rule Definition.**

1. **Status** means the recognition of an employee who has been properly appraised, qualified, and appointed to the classified service and who has satisfactorily completed the probationary period in an indefinite or limited-term appointment.

### **B. Definitions in This Regulation.**

1. **Competency** means the ability, skill, knowledge, and motivation needed for success on the job.
2. **Probationary period** means a working test period that every person appointed to a classification in which the person lacks status must satisfactorily complete as a condition of continued employment, unless otherwise provided in this regulation.
3. **Supervisor** means the person with formal authority to enforce directives and ensure satisfactory performance of subordinates. A supervisor may be immediately superior in the employee's chain of command or may be removed but directly in the employee's chain of command.

## **4. Standards**

### **A. General Standards.**

1. A new probationary period is required for (1) hire; (2) promotion; (3) lateral job change between agencies to a different classification; (4) lateral job change of a

- probationary employee to the same classification in a different agency; or (5) lateral job change of a probationary employee to a different classification in the same agency.
2. A new probationary period may be established for (1) reinstatement; (2) lateral job change to a different classification in the same agency; (3) demotion of an employee with status; or (4) lateral job change of a probationary employee to the same classification in the same agency.
  3. A probationary period is not required for Senior Executive Service and Senior Executive Management Assistant Service employees.
  4. An online performance-management form accessible through MI HR Self-Service or NEOGOV is used for all probationary ratings, unless the director has approved an alternative method, including continued use of the paper CS-1750 (Group 1); CS-1751 (Group 2); CS-1761 (Group-3 Managers); CS-1752 (Group-3 Supervisors); and CS-1719 (Group 4/SES).

## **B. Probationary Ratings.**

### **1. General Requirements.**

- a. Each probationary rating must evaluate an employee's performance under established, measurable, and specific performance factors, objectives, and competencies, except Group-1 employees require only competencies. All supervisory, managerial, and executive employees must have in their performance-management plans a factor or competency establishing a performance expectation to conduct timely and effective employee ratings.
- b. The supervisor shall review the rating criteria with the employee at the start of each rating period. Modifications to performance factors, objectives, or competencies may be made anytime to reflect a change of assignments or expectations. The employee and supervisor must certify the review of the rating criteria initially and when any changes are made.
- c. Full-time probationary employees must be reviewed after completing 6 and 12 months of service. Less-than-full-time probationary employees must be reviewed after 9 and 18 months of service. New hires without status must also be reviewed after 3 months of service.
- d. A supervisor shall complete probationary ratings within 28 days after a rating period ends. A supervisor shall review an employee's performance during the period covered. The rating must address the employee's accomplishments in relation to established expectations and how the employee exceeded, met, or did not meet objectives identified in performance factors, objectives, or competencies.
- e. The employee, supervisor, and appointing authority must certify all probationary ratings. The employee's certification does not indicate that the employee agrees

with the rating. If necessary, the supervisor shall indicate an employee's refusal to sign a rating, including an online refusal override certification, if applicable.

- f. An employee who disagrees with a probationary rating may submit a written statement to the appointing authority.
  - g. An appointing authority may extend a probationary period in writing for up to six additional months total. Any additional extension requires the director's approval. An extension cannot be grieved.
  - h. If the appointing authority does not issue a rating or extend the probationary period by 28 days after the period's end, the employee may request in writing to the agency's human resources director that one be issued. If the appointing authority does not issue a rating or extend the probationary period within 28 days after a request is received, the employee receives a satisfactory rating, effective the end of the rating period.
  - i. If an employee is suspended, on a leave of absence, or on extended sick leave, a probationary period is automatically extended by that period of time.
  - j. The appointing authority must ensure entry of any probationary rating in the employee's HRMN record (ZP26.1) and proper updating of the Since-Step time-accrual plan (TA 60.1), when applicable.
  - k. Satisfactory ratings are not discipline and are not grievable.
2. **Unsatisfactory Ratings.**

- a. An unsatisfactory probationary rating is discipline and is conducted in accordance with rule 2-6.
- b. An unsatisfactory probationary rating must address specific performance or behavior problems. If an unsatisfactory rating is issued and the employee is not dismissed, the rating must also identify specific expectations for improvement during the remaining probationary period.
- c. An employee under an unsatisfactory probationary rating is not eligible for a step increase, performance-pay award, or reclassification until a later satisfactory rating is issued. A step increase, performance-pay award, or reclassification cannot be made retroactive to a date before a new satisfactory rating is issued. Time under an unsatisfactory probationary rating is not creditable toward reclassification.
- d. An unsatisfactory probationary rating is grieved in accordance with rule 3-6.4 under regulation 8.01 for an employee without status or under regulation 8.01 or an applicable collective bargaining agreement for an employee with status.
- e. If an unsatisfactory rating is issued after 12 months (or 18 months if less-than-full-time) but the employee is not dismissed, the appointing authority must also extend

the probationary period. The appointing authority must give notice of the extension to the employee and issue a final probationary rating or another extension by 28 days after the extended probationary period ends. Extension of a probationary period beyond six total months requires the director's approval

- f. If an employee with status is appointed to a new classification level and does not perform satisfactorily at the new level, the appointing authority may demote the employee to a classification level not less than that held immediately before the probationary appointment or dismiss the employee. If the appointing authority chooses demotion and has no vacant position at the former class and level, the employee may exercise employment preference in accordance with rule 2-5. The rescission of a probationary appointment of an employee with status is grieved under regulation 8.01.
- g. The appointing authority shall notify Civil Service of all unsatisfactory probationary ratings within 28 days of the rating.

#### **C. Audit and Compliance.**

1. All ratings are subject to audit by Civil Service.
2. Probationary ratings must be maintained in the employee's personnel file for at least four years.
3. Probationary ratings completed online are stored for at least four years.

#### **CONTACT**

Questions on this regulation may be directed to Compensation, Civil Service Commission, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; by telephone at 517-241-0837 or 517-284-0102; or to [MCSC-Compensation@mi.gov](mailto:MCSC-Compensation@mi.gov).