

**VII-1.21 - POLICY ON PROBATION FOR REGULAR NONEXEMPT AND EXEMPT STAFF EMPLOYEES**

(Approved by the Board of Regents on July 12, 1996; Amended October 9, 2015)

**I. PURPOSE AND APPLICABILITY**

This policy establishes the principles under which Nonexempt and Exempt Staff employees shall serve a trial period of work in order to demonstrate their ability to perform the duties and fulfill the responsibilities of their position. This policy applies to all regular appointments to Nonexempt and Exempt Staff positions.

**II. DEFINITIONS**

The following terms and definitions shall apply for the purposes of this policy.

- A. Original Probation: the period following original appointment to a Nonexempt job class at each USM institution or to a Nonexempt position following a break in service of three (3) or more years.
- B. Status Change Probation: the period following Nonexempt reinstatement or competitive transfer (promotional, lateral, or demotional).
- C. Promotional Status Change Probation: The period following Nonexempt promotion via competitive search.
- D. Exempt Probation: The period following a competitive search and appointment to an Exempt position.

**III. NONEXEMPT PROBATION**

- A. Length of Probation Period
  - 1. The Original Probation and Status Change Probation periods shall be six (6) months.
  - 2. Upon request by the appropriate administrator, the President or designee may shorten the period of an Original or Status Change Probation, or extend the period for an additional six (6) months. The employee will be given written notice of any decision to shorten or extend the probation period.
  - 3. A Contingent Category II employee who is appointed to the same position in a Regular status without a break in service will have the time served apply towards completion of Original or Status Change Probation. However, upon request by the appropriate administrator and regardless of the time served in the

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position, the institution President or designee may require a probationary period of six (6) months. The probationary period may be extended an additional six (6) months.

### B. Salary Adjustments

#### 1. Merit

Merit increases shall not be granted during an Original Probation period.

#### 2. Cost of Living Adjustment (COLA)

A Cost of Living Adjustment(COLA) shall be granted when approved by the Maryland General Assembly.

#### 3. Adjustment for Passing Probation

Nonexempt employees who successfully complete an Original Probation or Promotional Status Change Probation (at least one pay range higher than the prior position) shall receive a 2.5% adjustment to their base salary upon completion of the probation, pursuant to BOR Policy VII-9.20 Policy on Pay Administration for Regular Nonexempt Staff Employees.

### C. Employees Not Subject to Probation

1. An employee who has satisfactorily completed Original Probation and who is reinstated to the same Nonexempt job class in the same department within the Reinstatement Period shall not serve a probationary period. If the employee has not completed an Original Probation period prior to being reinstated, the remainder of the Original Probation period shall be served.
2. An employee who has satisfactorily completed Original or Status Change Probation in a position and that position is reclassified, shall not serve a new probationary period. If the employee has not completed an Original or Status Change Probation in that position before it is reclassified, the employee shall serve the remainder of the probation in the reclassified position.
3. An employee who has been placed on a temporary assignment/reassignment shall not be subject to a probationary period.
4. An employee who has been demoted to a Nonexempt job class in which an Original or Status Change probation period has previously been served shall not serve a probation period, regardless of the department/unit where the probation was served.

### D. Rejection on Probation

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### 1. Original Probation

- a. An appropriate administrator may separate an employee on Original Probation without any reason at any time.
- b. Written notice of the rejection on Original Probation must be given to the employee at least (2) weeks prior to the expiration date of the probation period.
- c. The written notice shall advise the employee of the right to appeal the rejection to the institution President or designee, pursuant to Board of Regents Policy VII-8.00 Policy on Grievances for Nonexempt and Exempt Staff Employees.
- d. At the discretion of the appropriate administrator and in consultation with the CHRO, the employee may be placed on Administrative Leave with pay following the written notice. The employee shall not earn Annual, Sick, Personal, or Holiday Leave during this period.

### 2. Status Change Probation

- a. An appropriate administrator may separate an employee serving a Status Change Probation for cause only.
- b. Written notice of the rejection on Status Change Probation must be given to the employee and President or designee at least thirty (30) calendar days prior to the end of the probationary period.
- c. The written notice shall state the reason(s) for and effective date of the rejection and shall advise the employee of the right to appeal the rejection to the institution President or designee, pursuant to BOR Policy VII-8.00 Policy on Grievances and Appeals for Nonexempt and Exempt Staff Employees.
- d. At the discretion of the appropriate administrator and in consultation with the CHRO or designee, the employee may be placed on Administrative Leave with pay following the written notice. The employee shall not earn Annual, Sick, Personal, or Holiday Leave during this period. Any leave that the employee would have accrued on Administrative Leave will be reinstated if the employee is returned to the position as the result of a successful grievance.
- e. An employee whose job class has been changed as a result of a competitive promotion and is rejected during a Status Change Probation shall be restored to his/her former position if it is vacant or held by a Contingent employee.

3. Exception to Notice Requirement

An employee serving an Original or Status Change Probation may be subject to immediate separation without prior notice in the event of the employee's gross incompetence or gross misconduct which jeopardizes essential services.

**IV. USM SWORN POLICE OFFICER PROBATIONARY PERIOD**

Original and Status Change Probation periods for USM Police Officer job classes shall be for one (1) year following completion of mandated training approved by the Maryland Police and Correctional Training Commission. If an officer is hired at a level above UPO I, the probation period shall be one year.

**V. EXEMPT PROBATION**

A. Length of Probation and Applicability

The Exempt probation period shall be one (1) year for new hires and when the employee voluntarily competes for and accepts a different Exempt position at the institution.

B. Employees Not Subject to Probation

1. If an incumbent has completed an Original or Status Change Probation for a Nonexempt position and that position is reclassified to an Exempt Staff position in that same department or unit, the incumbent will be considered to have completed the Exempt probation in that position. If an incumbent is serving an Original or Status Change Probation for a Nonexempt position and that position is changed to Exempt in that same department or unit, the incumbent will be required to serve the balance of a probationary period equal to one (1) year.
2. If an incumbent has completed at least one (1) year in a faculty position and that position is reclassified to an Exempt Staff position in that same department or unit, the incumbent will be considered to have completed Exempt Probation in that position. If an incumbent has completed less than one (1) year in a faculty position and that position is reclassified to Exempt in the same department or unit, the incumbent will be required to serve the balance of a probationary period equal to one (1) year.

C. Rejection On Probation

1. The appropriate administrator, in consultation with the CHRO, may separate an Exempt Staff employee without any reason at any time.

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2. Written notice of the rejection on probation must be given to the employee and President or designee at least thirty (30) calendar days prior to the expiration date of the Exempt probation period.
3. The written notice shall state the effective date of separation and advise the employee of the right to appeal based solely on grounds of procedural deficiency or violation of law. The notice shall include filing deadlines for appeal of the rejection to the institution President or designee, pursuant to BOR Policy VII-8.00 Policy on Grievances and Appeals for Nonexempt and Exempt Staff Employees.
4. At the discretion of the appropriate administrator and in consultation with the CHRO, the employee may be placed on Administrative Leave with pay following the written notice. The employee shall not earn Annual, Sick, Personal, or Holiday Leave during this period.

### D. Exception to Notice Requirement

An employee may be subject to immediate separation without prior notice in the event of such gross incompetence or gross misconduct as to jeopardize essential services.

### **IMPLEMENTATION PROCEDURES:**

Each President shall identify his/her designee(s) as appropriate for this policy; develop institution-specific policies and procedures as necessary to implement this policy; communicate this policy and applicable procedures to his/her institutional community; and post it on its institutional website.

### **REPLACEMENT FOR:**

USM BOR VII-1.22 – Policy on Separation for Regular Exempt Employees, Section IV., Probation and Rejection on Probation (section replaced in its entirety).