

PROBATIONARY PERIOD FOR REGULAR STAFF EMPLOYEES

Reviewed and approved by University Council on December 10, 2009

1. PURPOSE

1.1 The University of Houston-Clear Lake requires an initial probationary period for all new benefits-eligible staff employees. This probationary period allows time for adjustment on the job and an opportunity to determine whether it will be in the best interests of the employee and the employer for the employment relationship to continue. During the probationary period, the supervisor has an opportunity to determine if the employee has the skills, demeanor, motivation, and abilities necessary to perform the duties required in the position, and the new employee may assess whether a working relationship should continue. In addition, this may be a time to identify training needs and begin the training process.

1.2 This policy applies to all new benefits-eligible staff employees and is consistent with the UH System Administrative Memorandum on probationary periods for regular staff employees.

2. POLICY AND PROVISIONS

2.1 The initial 6 months of employment at UHCL for each regular nonexempt staff employee is probationary. The initial 12 months of employment for each regular exempt employee is probationary. During the probationary period, the supervisor will monitor the employee's performance to determine whether employment should continue.

2.2 A new probationary period will not be imposed if:

- a. A benefits-eligible employee is laid off because of a reduction in force, the employee is reinstated in the same position within six months following the RIF, and the reinstated employee has completed probation; or
- b. A benefits-eligible employee returns to work following an approved leave of absence, unless the leave began before the end of the employee's initial probationary period; or
- c. A non-exempt employee who has completed probation is promoted to or transfers to a different non-exempt position; or the employee's job is reclassified and the employee remains in that position; or
- d. An exempt employee who has completed probation is promoted to or transfers to a different exempt position; or the employee's job is reclassified and the employee remains in that position.

2.3 At any time during a probationary period, an employee may be dismissed with or without cause, without application of the UHCL staff discipline and dismissal procedures. However, any such dismissal may not be based on illegal discrimination or retaliation.

3. POLICY PROCEDURES

3.1 Probation begins on the first day of work. To ensure continuity of assessment during probation, a new employee may not be transferred to another area of supervision outside the department until the

conclusion of the probationary period. Exceptions to this restriction may be granted by the President, or designee, on a case-by-case basis. If an exception is granted, written documentation of the reason for such exception must be placed in the employee's official personnel file in the Office of Human Resources.

3.2 The probationary period of an employee who is allowed or required to take leave of absence during probation will be extended by the amount of time taken for the leave, until the probationary period is completed.

3.3 The initial probationary period may not be extended, except as a result of transfer during probation as covered in 3.1, or as the result of a leave of absence as covered in 3.2.

3.4 If the employee is determined by the supervisor to be unsuitable for continued employment during the probationary period, the employment relationship should be terminated as soon as possible after that determination is made.

3.5 Heads of departments may authorize dismissal of probationary employees after consultation with the Executive Director of Human Resources and Affirmative Action or designee. A department head will then give the employee written notice of dismissal and its effective date and time, essentially in the form approved by the Executive Director of Human Resources and Affirmative Action. If the employee is dismissed for cause, such as poor attendance or unacceptable performance, the supervisor who notifies the employee of the dismissal should be prepared to state the basic reason for the dismissal to the employee.

3.6 A dismissed probationary employee is not entitled to contest dismissal unless the employee believes the dismissal is based on illegal discrimination or retaliation and can present evidence to indicate that the claim merits inquiry. The availability of the hearing process, in such cases, will be determined by the Executive Director of Human Resources and Affirmative Action.

3.7 The initial probationary period is separate and distinct from any probationary period instituted as a disciplinary action against an employee.