

**STATE OF MARYLAND
JUDICIARY**

Policy on the Employment Probationary Period

I. PURPOSE

To establish a uniform policy for the administration of probationary periods for employees in the Maryland Judiciary.

II. DEFINITIONS

A. Administrative Official (for purposes of this policy)

1. The Clerk of Court for the Court in which the employee works;
2. The Administrative Clerk of the District Court for the District in which the employee works;
3. The director of the respective department or office within the Courts of Appeal, the Administrative Office of the Courts, the District Court Headquarters, or the Court-Related-Agency in which the employee works.

B. Executive Staff – Any employee in pay grades T18 and T19, or in a flat scale position, or in the Judiciary's Senior Management Pay Plan.

C. Probation – A trial work period at the beginning of an employee's tenure in a position during which the employee is evaluated.

D. Regular Budgeted Position – A set of duties and responsibilities for a job funded under an approved budget and having an assigned Position Identification Number (PIN), not including contractual and temporary positions and those held by Judges, Masters, and Law Clerks.

E. Regular Employee (for purposes of this policy) – Any person employed by the Judiciary of Maryland, except:

1. A Judge, Master, or Law Clerk;
2. Any employee in pay grades T18 and T19, or in a flat scale position, or in the Judiciary's Senior Management Pay Plan;

3. A Clerk of Court or Chief Deputy Clerk of Court;
4. A Deputy Administrative Clerk of the District Court;
5. A District Court Commissioner;
6. An individual employed as a consultant, contractual employee, appointee, or on a temporary basis.

III. SCOPE

This policy applies to all regular employees of the State of Maryland Judiciary.

IV. PURPOSE OF PROBATION PERIOD

The probation period is considered a continuation of the employment selection process and provides:

- A. A trial working period that gives the supervisor an opportunity to observe and evaluate the capacity of the employee, which includes the employee's ability to satisfactorily perform the assigned duties; and to observe and evaluate the employee's work habits and conduct, including attendance and the employee's relationships with coworkers and supervisors;
- B. The employee time to demonstrate qualifications and abilities by actual on the job performance; and to demonstrate capabilities and potential for higher assignments;
- C. The supervisor time to train and guide new employees in the successful performance of their job duties; to observe work performance and work habits; to provide counseling, as needed, on ways to overcome deficiencies; to discern and commend strong points; and to help develop the employees to their fullest capacity in the job;
- D. A means of adjusting the employee's probation period and removing or rejecting an unsatisfactory employee as appropriate.

V. INITIAL PROBATION PERIOD

- A. Employees shall serve a six (6) month initial probationary period. The Administrative Official or designee may extend an employee's probation period for an additional amount of time not to exceed the length of the original probation period. If an employee's probation is extended, it must be done prior to the conclusion of the original probation period, the reasons for the extension must be documented, and a probationary performance evaluation must be completed. All documentation must be

submitted to the Judiciary Human Resources Department (See Section IX).

- B. Supervisors shall monitor the newly hired employee's level of performance. A means of monitoring an employee's performance is through discussions also known as progress conferences. These informal discussions should be documented. The purpose of these discussions is to provide direction, receive feedback, and to provide encouragement to the new employee. An employee should have at least one such conference during the initial probation period which will be conducted at the mid-point of the probation period.
- C. Prior to the completion of the initial probation period, all new employees shall receive a completed probationary performance evaluation form reflecting their performance over the entire probationary period. This evaluation becomes a part of the employee's official personnel file.

VI. PROMOTION, TRANSFER, or REASSIGNMENT PROBATION PERIOD

- A. Employees who are promoted, transferred, or reassigned into a different classification, shall serve a six (6) month probation period in the new classification.
- B. Employees who are promoted, transferred, or reassigned and who have not completed their initial probation period, shall serve a new six (6)-month period of initial probation in the new classification.
- C. The Administrative Official or designee may extend an employee's probation period for an additional amount of time not to exceed the length of the original probation period. Supporting documentation for this action, including a completed probationary performance evaluation, must be submitted to the Human Resources Department prior to the conclusion of the probation period. (See Section IX for details.)
- D. With the exception of paragraph B of this section, the Administrative Official or designee may shorten the probation period of an employee serving a probation as a result of a promotion, transfer, or reassignment to a minimum of 60 days. If an employee's probation is shortened, the reasons for the action must be documented, and a probationary performance evaluation must be completed. All documents must be submitted to the Human Resources Department.
- E. Supervisors should monitor the employee's level of performance. A

means of monitoring an employee's performance is through discussions also known as progress conferences. These informal discussions should be documented. The purpose of these discussions is to provide direction, receive feedback, and to provide encouragement to the new employee. An employee should have at least one such conference during the promotional probation period.

- F. Prior to the completion of the promotional/transfer probation period, all employees shall receive a completed probationary performance evaluation form reflecting their performance over the entire probationary period. This evaluation becomes a part of the employee's official personnel file.

VII. PROBATION UPON REINSTATEMENT or TRANSFER

- A. An employee who is reinstated into a classification other than the employee's former classification or who transfers into a different classification shall be required to serve a six (6) month probation period.
- B. An employee who is reinstated into the same classification in which they left or who transfers into a position of the same classification will not be required to serve a new probation period unless the employee did not complete the original probation period during the prior period of employment.

VIII. EMPLOYEES NOT SUBJECT TO PROBATION PERIODS

- A. An employee who is appointed, hired or promoted into a position of Judge, Master, Law Clerk, Executive Staff, Clerk of Court of an Appellate Court, Chief Deputy Clerk of Court, Deputy Administrative Clerk of the District Court, or District Court Commissioner is not subject to a probation period. An employee appointed, hired or promoted into one of these categories of employment (except for a Judge) is an employee who serves at the pleasure ("at will") of his or her administrator and can be removed at any time for any reason, or for no reason. An employee who transfers from one of these positions to a position requiring a probation period will be treated as a new hire and subject to the appropriate probation period.
- B. An employee who is reinstated in the same classification previously held and served a satisfactory probation, is not subject to a new probation period. If the employee has not completed an original probation period upon reinstatement, the employee will serve the remainder of the period in

the new classification.

- C. An employee whose position is reclassified, and who has served an original probation period in the former classification, is not subject to a new probation period. If the employee has not completed an original probation period and is reclassified, the employee will serve the remainder of the probation period in the new classification.
- D. An employee appointed to a position on a temporary, contractual or emergency basis is not subject to a probation period. If the employee subsequently is hired or converted into a position requiring a probation period, then the employee will be treated as a new hire and subject to the appropriate probation period.
- E. An employee who is demoted into a classification in which the employee has completed a probation period is not subject to a new probation period.

IX. RESULTS OF THE PROBATION PERIOD

Following completion of the probationary performance evaluation form, the rater must then make a determination of the recommended action on the employee's probationary status:

- A. Satisfactory completion of probation period: If the employee is performing at an overall "Satisfactory" level or above at the conclusion of the probation period, then the employee has successfully completed the probation period and becomes a regular employee.
- B. Extension of probation period: The supervisor may at anytime prior to the completion of the probation period request an extension of the original period to the Human Resources Department. The supervisor must provide documentation supporting the reasons for the extension. The Human Resources Department will advise the supervisor/department manager of the approval or denial of the extension request. If approved, the probation period can be extended only once for a period not to exceed the length of the original probation period.
- C. Rejection on probation: An employee who, in the judgment of the supervisor, is not satisfactorily performing the job duties or exhibiting satisfactory work habits and conduct, and if documentation to that effect is provided, may be rejected from the position after consultation with the Administrative Official and the Human Resources Department.

1. An employee may be rejected on probation at any time prior to the completion of the probation period.
 2. The Administrative Official shall provide the employee in writing with the reason(s) for the rejection on probation, the effective date of the rejection, and the appropriate procedure for review of the rejection, if any.
 3. An employee rejected on initial probation is terminated from employment with the Maryland Judiciary.
 4. An employee rejected on probation while serving a probationary period as a result of a promotion, transfer, or reinstatement shall be returned to the employee's previous position if vacant. If the previous position is not vacant, the Administrative Official, at his or her discretion, shall place the employee in any vacancy in the previous classification or comparable classification for which the employee meets the minimum qualifications, if available. The employee's employment will be terminated if there are no vacancies in the employee's previous position, in any classification previously held by the employee, or in any comparable position.
 5. An employee serving a probation for one of the above reasons also may be terminated from employment under the Judiciary's policies on progressive discipline and termination. If an employee on promotional probation is terminated from employment, then the employee will not be returned to the employee's previous position or a comparable position.
- D. If the supervisor or Administrative Official fails to recommend an action pertaining to an employee's probation period and to provide a probationary performance evaluation to the employee prior to the conclusion of the probation period, then the employee automatically becomes a regular employee in the new classification with all rights and conditions of such.
- E. Following approval of the recommended action of the employee's probationary status, the supervisor or Administrative Official should discuss the employee's probationary performance evaluation and status. The employee will then be given an opportunity to comment on the evaluation form, sign the form, and be given a copy of the completed performance evaluation form.

X. REVIEW OF REJECTION ON PROBATION

An employee rejected on probation may request a review of the rejection. Please see the *Policy on the Involuntary Termination of Employment and Rejection on Probation for Regular Employees and Employees on Initial Probation*.

XI. INTERPRETIVE AUTHORITY

The Judiciary Human Resources Department, in consultation with other parties as appropriate, is responsible for the interpretation of this policy.