



**STATE OF HAWAII  
DEPARTMENT OF HUMAN RESOURCES  
DEVELOPMENT  
POLICIES AND PROCEDURES**

POLICY NO. 301.006 ESD/Examination	NO. of PAGES 5
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TITLE:

**NEW PROBATION PERIOD**

APPROVED:

Kathleen N. A. Watanabe, Director

**I. POLICY**

A new probation period shall be used to determine an employee's fitness and ability to perform the duties of a different position.

**II. RATIONALE**

The new probation period is the final phase of the examination process and will permit the employee to demonstrate that he/she can satisfactorily perform the duties of the new position.

**III. DEFINITIONS**

"Appointing authority" means a department head or designee having the power to make appointments or changes in the status of employees.

"Civil service" mean all positions within a jurisdiction that are not exempted by §§46-33, 76-16, or 76-77, HRS, or by other law and must be filled through civil service recruitment procedures based on merit.

"Civil service employee" mean an employee who has met all requirements for membership in the civil service under §76-27, HRS.

"Class" means a group of positions that reflect sufficiently similar duties and responsibilities such that the same title and the same pay range may apply to each position allocated to the class.

"Comparable position" means a position in any class of work in the same salary range, same bargaining unit, and same department for which the employee meets the minimum qualification requirements.

"Department" means any department, board, or agency of a jurisdiction.

"Director" means the director of Human Resources Development.

"Employee or public employee" means any person holding a position in the service of a jurisdiction, irrespective of status or type of appointment.

"Membership in civil service" means the status and rights enjoyed by an employee who successfully completes an initial probation and demonstrates continued fitness and ability by meeting all performance requirements of the employee's position.

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“New probation period” means a probation period required of a member in civil service.

“Permanent appointment” means an appointment without a limitation date to a permanent position that allows the employee to become a member of the civil service.

“Position” means a specific job, whether occupied or vacant, consisting of all the duties and responsibilities assigned or delegated by competent authority, requiring full or part-time employment of one person.

“Probationary appointment” means an appointment period which is a test of the employee’s qualifications for the position. Upon successful completion, the employee earns civil service status in the position for which the probationary appointment was completed.

“Series of classes” means classes similar as to subject matter of work, but differing in level of difficulty, responsibility, and qualifications required.

“Suitability” means fitness for employment after consideration of such factors as physical and mental ability, character, criminal history record and employment record.

### **IV. SCOPE**

- A. This procedure shall apply when an employee is:
1. A member of the civil service; and
  2. Appointed to a permanent position; and
  3. Being promoted to a different position; or
  4. Being transferred to a position in another class of work; or
  5. Accepting a voluntary demotion to a position in a different series.
- B. The appointing authority, in its discretion, may require that the employee serve a new probation period when the employee is transferred to a position in the same class of work or accepts a voluntary demotion to a position in the same series.

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### **V. GENERAL PROVISIONS**

#### **A. DURATION OF NEW PROBATION PERIOD**

The new probation period shall be for a period of six months except that the director may establish a longer new probation period for a class of work when a longer period is necessary to adequately train and evaluate the employee.

#### **B. EXTENSION OF NEW PROBATION PERIOD**

Upon written notification to the employee and before the expiration of the new probation period, the appointing authority may extend the new probation period for any of the following reasons:

1. Further evaluation of the employee's ability to successfully perform the duties of the position is required, provided the extension shall not exceed six months;
2. The employee's absence from work affects the appointing authority's ability to evaluate the employee's performance; or
3. A final determination of the employee's suitability for the position has not been made.

#### **C. COMPLETION OF NEW PROBATION PERIOD**

1. To successfully complete the new probation period, an employee must meet the performance requirements of the position as measured by a formal performance appraisal.
2. Upon successful completion of the new probation period in a permanent position without an end date, the employee's probationary appointment shall become a permanent appointment.

#### **D. RETURN TO FORMER OR COMPARABLE POSITION (EMPLOYEE RETURN RIGHTS)**

1. An employee who is serving a new probationary period shall be entitled to all the rights and privileges of a member of the civil service, except the right to appeal a discharge from the new position (as distinguished from discharge from service) for inefficiency during the probation period.

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2. If an employee is discharged from a new position for inefficiency during the probation period, the employee shall be returned to his/her former or a comparable position. The employee shall be treated as though he/she had remained in the former or comparable position continuously.
3. Upon written request, an employee who held a civil service appointment without an end date (permanent appointment) in a former position may be returned to his/her position or a comparable position prior to the expiration of the new probation period, provided, the employee receives written approval from the department to which he/she will return.
4. The department to which the employee seeks a return has the discretion to approve or disapprove the return.
5. Upon return to the former department, the employee shall be treated as though he/she had remained in the former or comparable position continuously.
6. An employee shall have return rights to a position in which he/she has a permanent position; provided the employee has not forfeited his/her return rights.

### VI. PROCEDURES

Refer to the Performance Appraisal System ("PAS") Supervisory Manual and/or the EMCP Performance Evaluation and Variable Pay User's Manual.

### VII. RELATIONSHIP TO OTHER DIRECTIVES

If any part of this policy is rendered or declared invalid by reason of an administrative rule, bargaining unit agreement, or State or federal law, such invalidation of such part or portion of this policy shall not invalidate the remaining portions thereof, and they shall remain in full force and effect.

### VIII. AUTHORITIES AND REFERENCES

#### A. AUTHORITIES

§ 76-1, Hawaii Revised Statutes, *Purposes; merit principle.*

§ 76-18, Hawaii Revised Statutes, *Examinations.*

§ 76-27, Hawaii Revised Statutes, *Probationary service and other requirements for membership in the civil service.*

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§ 14-1-2, *et seq.*, Hawai'i Administrative Rules, *Applicability of rules.*

§ 14-1-3, *et seq.*, Hawai'i Administrative Rules, *General responsibilities of director.*

§ 14-1-15, *et seq.*, Hawai'i Administrative Rules, *Definitions.*

§ 14-1-3.01, *et seq.*, Hawai'i Administrative Rules, *Filling Positions in the Civil Service*

**B. REFERENCES**

Performance Appraisal System ("PAS") Supervisory Manual

Excluded Management Compensation Plan ("EMCP") Performance Evaluation and Variable Pay User's Manual