

Wisconsin Human Resources Handbook

Chapter 116

Probationary Periods

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Sec. 116.010 Introduction

This chapter provides guidance and information related to probationary periods. The purpose of a probationary period is to evaluate a new employee's performance to determine if the person is effectively able to carry out the assigned duties and responsibilities on a continuing basis. The employee attains permanent status in class upon successful completion of the probationary period. This handbook chapter provides guidance on the required probationary periods for original, promotional, supervisory, and management positions and trial periods for Career Executive positions. Information on extended and lengthened probationary periods is also included.

Sec. 116.020 Statutory and Rule Authority

1. All original and all promotional appointments to permanent, sessional and seasonal positions, with the exception of those positions designated as supervisor or management under s. 111.81, Wis. Stats., in the classified service must serve a six-month probationary period. However, the administrator may extend the probationary period for a maximum of three additional months. Probationary periods for an individual with a disability may be extended for up to one additional year. Probationary periods of employees in supervisor or management positions are one year. However, six months or any portion thereof may be waived at any time after six months have been served. (Reference other citations in s. 230.28, Wis. Stats., and ch. ER-MRS 13, Wis. Adm. Code, regarding probationary periods.)

You may view s. 230.28, Wis. Stats, and Ch. ER-MRS 13, Wis. Adm. Code. on-line. Section 230.28, Wis. Stats., can be found at [s. 230.28, Wis. Stats.](#) Chapter ER-MRS 13, Wis. Adm. Code, can be found at [ER-MRS 13, Wis. Adm. Code.](#)

2. "The administrator may authorize a longer probationary period not to exceed 2 years for any administrative, technical or professional position, in order to provide the appointing authority assurance that the employee has had adequate exposure to the various responsibilities which are a part of the position or classification." s. 230.28(1)(b), Wis. Stats.
3. Section 230.046(2), Wis. Stats., states, in part, that "After initial appointment to a supervisory position, each appointing authority shall ensure that each classified service supervisor successfully completes a supervisory development program. A waiver of any part of the probationary period under s. 230.28(1)(c) may not be granted before completion of the development program."

4. “An employee who transfers between agencies **may** be required by the appointing authority to serve a probationary period, **except** that a probationary period **shall be** required upon transfer to any position identified in s. ER-MRS 13.02(1) . . .” (Emphasis added). See s. ER-MRS 15.03, Wis. Adm. Code. See below for reference to s. ER-MRS 13.02(1), Wis. Adm. Code.
5. “In the case of an understudy, intern, trainee, student cooperative program or an apprentice appointment, the probationary period shall be lengthened by the total length of such understudy, intern, trainee, student cooperative program or apprentice period.” s. ER-MRS 13.02(1), Wis. Adm. Code
6. “An employee who transfers between different employing units of the same agency may be required by the appointing authority to serve a probationary period, except that a probationary period shall be required upon a transfer to a trainee position. If the transfer is to a position in a different class and no probationary period resulting from the transfer is required, the employee shall immediately attain permanent status in class. An employee who transfers or who is transferred while serving a probationary period may continue in the probationary status being served prior to transfer or begin a new probationary period under s. ER-MRS 15.07.” s. ER-MRS 15.04, Wis. Adm. Code
7. A person who previously obtained permanent status in class and reinstates to an agency other than the one from which the person earned reinstatement eligibility or to a different employing unit in the same agency may be required by the appointing authority to serve a probationary period. However, a person shall not be required to serve a probationary period when reinstated to the same employing unit from which the person earned reinstatement eligibility and shall immediately attain permanent status in the class. See s. ER-MRS 16.04(1), Wis. Adm. Code
8. “If the voluntary demotion is to a position in the same employing unit no probationary period for employment in the lower class may be required, except that a probationary period shall be required upon a voluntary demotion to a trainee position. If the employee is not required to serve a probationary period, the employee immediately attains permanent status in class in the class to which voluntarily demoted.” s. ER-MRS 17.04 (3)(b), Wis. Adm. Code
9. “If the voluntary demotion is to a position in a different employing unit, the employee may be required by the appointing authority to serve a probationary period, except that a probationary period shall be required upon voluntary demotion to a trainee position. If the employee is not required to serve a probationary period, the employee immediately attains permanent status in class in the class to which voluntarily demoted.” s. ER-MRS 17.04 (3)(c), Wis. Adm. Code
10. “Upon initial appointment to the career executive program, a career executive employee, prior to attaining permanent status, shall serve a 2 year continuous service trial period. However, one year, or any portion thereof, may be waived by the appointing authority at any time after a one year continuous service trial period has been served after both the employee and the administrator have been notified in writing. If an employee transfers to a different agency while serving a trial period, the trial period shall be extended to provide for 6 continuous months of service in the receiving agency. Upon successful completion of the trial period, a career executive employee attains permanent status. Except as provided in sub. (3) and s. ER-MRS 30.11, career executive employees shall be required to complete only one trial period regardless of subsequent movement to other career executive positions, including movement between agencies.” s. ER-MRS 30.06(1), Wis. Adm. Code. See below for reference to s. ER-MRS 30.06(3), Wis. Adm. Code.
11. “At the discretion of the appointing authority in the receiving agency, a career executive employee may be required to serve up to a 6 month trial period upon movement between agencies. At any time, during the trial period, the receiving agency may terminate the employee. Upon termination, the employee shall be returned to the sending agency and be restored to the employment status that existed at the time of movement to the receiving agency.” s. ER-MRS 30.06(3), Wis. Adm. Code

Sec. 116.030 Definitions

The following are definitions of terms used in this Chapter.

1. **Appointing authority:** “. . . [T]he chief administrative officer of an agency unless another person is authorized to appoint subordinate staff in the agency by the constitution or statutes. s. 230.03(4), Wis. Stats.
2. **Career Executive Position:** A permanent position that has been placed in the career executive program by the OSER Director.
3. **Extended Probationary Period:** The extension of the time period during which an employee’s performance is evaluated upon appointment to a position. The extended period provides the employee with additional time to show that he/she is capable of performing the duties satisfactorily.
4. **Lengthened Probationary Period:** A longer approved probationary period for administrative, technical, and professional positions when the normal (6- or 12-month) probationary period will not provide the employee with adequate exposure to the responsibilities of the position. The request for a lengthened probationary period must be submitted prior to certification.
5. **Permanent Appointment:** “. . . [T]he appointment of a person to a classified position in which permanent status can be attained.” s. ER-MRS 1.02(20), Wis. Adm. Code
6. **Permanent Status:** “. . . [T]he rights and privileges attained upon successful completion of a probationary period or career executive trial period required upon an appointment to permanent, seasonal or sessional employment.” s. ER-MRS 1.02(22), Wis. Adm. Code
7. **Position:** “. . . [A] group of duties and responsibilities in either the classified or the unclassified divisions of the civil service, which require the services of an employee on a part-time or full-time basis.” s. 230.03(11), Wis. Stats.
8. **Probationary Period:** The time period during which an employee's performance is evaluated after appointment to a position and prior to attaining permanent status.
9. **Trial Period:** The time period during which an employee’s performance is evaluated upon appointment to a Career Executive position prior to attaining permanent status.

Sec. 116.040 Probationary Periods

1. A six-month probationary period is required for all original and promotional appointments to positions in the classified service that are not designated as supervisory or management positions under s. 111.81, Wis. Stats. ss. ER-MRS 13.02 and 13.03, Wis. Adm. Code
2. All probationary periods on original and promotional appointments to supervisory and management positions are for one year per s. 230.28(1)(am), Wis. Stats.
3. Any probationary period, no matter how long, is for the employee to show that he or she is capable of doing the job for which he or she was hired. The expectation of any new employee is successful completion of the probationary period. Typically, a supervisor will complete an evaluation of the new employee at the half-way point and then again prior to the end of the probationary period (Allow enough time so if the employee will be dismissed, there is time to do so before the end of the probationary period.) From the last evaluation, it is assumed that the employee is qualified to gain permanent status in class.
4. A new employee must be notified of the probationary period that he or she must serve. This information should be provided in the letter confirming an appointment. Section. ER-MRS 12.08, Wis. Adm. Code,

states, “Confirmation of appointment shall be in writing by the appointing authority and shall be sent to the employee no later than the first day of employment. Such letter of appointment shall include conditions of employment such as starting date, rate of pay, and probationary period to be served.”

5. Employees who transfer or demote in lieu of layoff may be required to serve a probationary period. (See ss. ER-MRS 22.08(1) and (2), and chs. ER-MRS 15 and 17, Wis. Adm. Code, for requirements for the fulfillment of probationary periods.) See also Chapter 232—Permanent Layoff of Nonrepresented Employees of the *Wisconsin Human Resources Handbook*.

Sec. 116.050 Non-Supervisory and Non-Management Positions

1. A six-month probationary period is required for all original and promotional appointments to non-supervisory and non-management positions in the classified service. Occasionally the need to provide the employee with additional time to show whether he or she is capable of performing the duties of the position satisfactorily is needed. This means the appointing authority may want, or need, to extend that employee’s probationary period.
2. Section 230.28(1)(a), Wis. Stats., establishes the authority of the DMRS Administrator to extend for up to three additional months any six-month original or promotional probationary period in accordance with the rules. Section ER-MRS 13.02(2)(a) and (b), Wis. Adm. Code, outlines the reasons for requesting an extension to a probationary period when the employee has not demonstrated the capacity to be granted permanent status in class. Extensions can be based on factors such as:
 - a. An unanticipated change in the program or duty assignment.
 - b. Substantial change in performance of the employee.
3. Section 230.28(1)(bm), Wis. Stats., allows the administrator, “At the request of an appointing authority and an employee, . . . [to] authorize . . . an extended probationary period of up to one additional year for an individual with a disability, as defined in s. 111.32(8), Wis. Stats, who is the employee to allow the employee to do any of the following:
 - a. Complete any necessary comprehensive or vocational rehabilitation program.
 - b. Obtain or adapt to special modifications made to the employee’s workplace to accommodate the employee’s disability.
 - c. Achieve the knowledge, skills and abilities to competently perform the required tasks for the position for which the employee is appointed.”
4. In addition, s. ER-MRS 13.05, Wis. Adm. Code, states “If an employee has absences from employment not exceeding 174 work hours or prorated portion for part-time employees for any reason approved by the appointing authority, the appointing authority shall determine whether such absence shall be waived from the probationary time or the probationary period is to be extended to cover such absence. The employee shall be given written notice of such extension.” If the absence totals more than 174 hours (or a prorated portion for part-time employees), extend the probationary period by the length of the time absent, except up to 174 hours may be waived by the appointing authority.

If an employee is terminated during a probationary period due to a pending layoff, and is later reinstated, the time served may be carried over at the discretion of the new appointing authority. However, if an employee resigns during a probationary period and is later reappointed from the same employment register, the time served will not be carried over. s. ER-MRS 13.05(3) and (4), Wis. Adm. Code

5. As of April 10, 2001, appointing authorities were delegated the authority to extend a six-month original or promotional probationary period by up to three additional months. However, the extension must meet the criteria set forth in the statutes and rules cited in s. 230.28, Wis. Stats., and s. ER-MRS 13, Wis. Adm. Code. The appointing authority may waive any remaining portion of the extended probationary period if the reasons

for extending the probationary period are met as indicated in s. 230.28(1)(bn), Wis. Stats.

6. Extensions must be timely, that is, written notice of the extension must be delivered to the person prior to completion of the last work day to which the employee was assigned, regardless of whether it falls on or before the last day of the probationary period. If this is not done, the person attains permanent status in class. (See s. ER-MRS 13.09, Wis. Adm. Code.)
7. Three-month extensions are not available in cases in which the employee is already serving a lengthened probationary period under s. ER-MRS 13.02(3), Wis. Adm. Code. In addition, three-month extensions are not available for six-month permissive probationary periods as indicated in s. ER-MRS 13.02(4), Wis. Adm. Code.

Note: See Attachment #1 for requirements pertaining to probationary periods on transfer, reinstatement, or voluntary demotion to non-supervisory and non-management positions.

8. Agencies shall maintain copies of the documents relating to any probationary extensions granted by the appointing authority. Such documents shall be subject to inspection by the DMRS Administrator or staff member designated to monitor the program.

Sec. 116.060 Supervisory and Management Positions

1. All probationary periods on original and promotional appointments to supervisory and management positions are for one year per s. 230.28(1)(am), Wis. Stats.
2. An employee who transfers to a supervisory or management position within the same employing unit may not be required to serve a probationary period, per s. ER-MRS 15.08, Wis. Adm. Code.
3. An employee who transfers to a supervisory or management position in a different employing unit of the same agency or in another agency may be required, at the discretion of the appointing authority, to serve a probationary period as stated in ER-MRS 15.08, Wis. Adm. Code.
4. The second six months of a probationary period, or a portion of those six months, may be waived. However, in the case of initial appointments to supervisory positions, waivers may only be granted if the employee has successfully completed supervisory training as required by s. 230.28(1)(am), Wis. Stats.
5. Appointing authorities are delegated the authority to waive a portion of the remaining six months of supervisory or management probationary periods. Agencies are responsible for maintaining copies of the documents relating to any waiver actions taken by the appointing authority. Such documents will be subject to inspection by the DMRS Administrator or the staff member designated to monitor the program.

Note: The waiver request should specify the reason for the waiver and all relevant information regarding the supervisory training requirement.

6. Probationary periods may not be extended for supervisory or management positions.

Note: See Attachment #2 for requirements pertaining to probationary periods on transfer, reinstatement, or voluntary demotion to supervisory and management positions.

Sec. 116.070 Lengthened Probationary Periods

1. Lengthened probationary periods for administrative, technical, and professional positions may be established for up to two years.
2. Lengthened probationary periods may be approved when the normal (6- or 12-month) probationary period will not provide the employee with adequate exposure to the various responsibilities assigned to the position.
3. To obtain approval, a written request should be submitted to the appropriate DMRS HR Consultant prior to beginning any recruitment activities for the position(s). Agencies should allow enough time for the DMRS HR Consultant to review the request and approve/deny it before recruiting for the position(s). With no exception, a written request must be submitted no later than prior to certification of applicants per s. ER-MRS 13.02, Wis. Adm. Code. The request should identify the position(s), provide evidence that assigned duties are such that the normal probationary period would not provide the employee with adequate exposure to the various responsibilities of the position(s), and state the desired length of the probationary period.
4. Include information in the job announcement regarding the required probationary period.
5. Approved requests for lengthened probationary periods can be applied to subsequent positions for a period of five years from the approval date of the initial request. For staffing of the positions with prior approval, the agencies should notify DMRS of their intent to again use a lengthened probationary period. Agencies should submit a copy of the previous request and approval to the DMRS HR Consultant prior to announcement in the *WiscJobs Current Opportunities Bulletin*.
6. Copies of lengthened probationary period requests must be kept in the register folder. The retention period for register folders is a total of four calendar years from the register date. The records must be destroyed after four years from the register date, unless litigation is in process. (See the Department of Administration General Records Schedule at http://doa.wi.gov/docs_view2.asp?docid=190.)
7. The appointing authority must notify the individual hired for a position of the lengthened probationary period. Notification must occur when or before an offer of appointment is made. In addition, a letter confirming an appointment is required under s. ER-MRS 12.08, Wis. Adm. Code, which states, "Confirmation of appointment shall be in writing by the appointing authority and shall be sent to the employee no later than the first day of employment. Such letter of appointment shall include conditions of employment such as starting date, rate of pay, and probationary period to be served."
8. The appointing authority may waive any portion of the lengthened probationary period of an employee at any time, provided at least six months have been served. In addition, the appointing authority must provide the employee notification, in writing, prior to the effective date of such action. Agencies should maintain copies of the documents relating to any probationary waivers granted by the appointing authority. These documents will be subject to inspection by the DMRS Administrator or staff member designated to monitor the program.

Sec. 116.080 Positions Brought Into Classified Service

1. Section 230.15(1m)(a), Wis. Stats., indicates that whenever the state becomes responsible for a function previously administered by another governmental agency or a quasi-public or private enterprise, or when positions in the unclassified service (excluding employees of the legislature) are determined to be more appropriately included in the classified service the affected positions will be included in the classified service. When this occurs, the administrator may waive the requirement to compete for the position and certify the employee for appointment to the position.

2. The administrator will determine the employee's probationary status. However, the employee will receive credit toward his or her probationary period for the time that he or she had been employed in the position immediately prior to appointment as required by ss. 230.15, Wis. Stats., and ER-MRS 13.045, Wis. Adm. Code.

Sec. 116.090 Career Executive Trial Periods

1. In accordance with s. ER-MRS 30.06, Wis. Adm. Code, a single, two-year continuous Career Executive trial period will be served upon initial appointment to the career executive program, with provision for waiving up to one year at any time after a one-year continuous service trial period has been served. The Career Executive trial period may not be extended.
2. At the discretion of the appointing authority, a career executive incumbent employee may be required to serve up to a six-month permissive trial period upon movement between agencies. (See s. ER-MRS 30.06(3), Wis. Adm. Code.)

Sec. 116.100 Administrative Information

This chapter was originally issued in February 1981 as part of the *Wisconsin Personnel Manual*.

It was revised and issued in June 2003 for the *Wisconsin Human Resources Handbook*. The chapter reflects current procedures and incorporates policy information from Bulletins MRS-15 dated November 12, 1984, and MRS-213, dated April 10, 2001. Bulletins MRS-15 and MRS-213 are now obsolete.

In September 2003, the chapter was revised to incorporate a statement regarding probationary periods for employees who transfer or demote in lieu of layoff.

Changes were made to the chapter in October 2003 to correct erroneous information regarding a probationary period for employees who transfer from a non-supervisory to a supervisory position. Section 116.060 has been updated to reflect that employees who transfer within an employing unit are not required to serve a probationary period but those who transfer to a different employing unit may serve a probationary period, at the appointing authority's discretion.

In May 2004, the chapter was updated to reflect that approved requests for lengthened probationary periods can be applied to subsequent positions for a period of five years from the approval date of the initial request.

The chapter was updated in August 2004, to remove an incorrect statement under Section 116.070 regarding employees who take a transfer or promotion to a different agency and are placed on a lengthened probationary period. Employees that transfer or promote do not have restoration rights back to their former agency.

Attachment #1

PROBATIONARY PERIODS FOR NON-SUPERVISORY AND NON-MANAGEMENT POSITIONS

1. A six-month probationary period is required for all original and promotional appointments to positions in the classified service that are not designated as supervisory or management positions under s. 111.81, Wis. Stats.
2. Section 230.28(1)(a), Wis. Stats., establishes the authority of the DMRS Administrator to extend probationary periods for up to three additional months. (Appointing authorities have been delegated this authority.)
3. Section 230.28(1)(bm), Wis. Stats., allows the administrator to extend a probationary period of up to one additional year for a person with a disability.

Type of Appointment	Within Employing Unit	Between Employing Units	Between Agencies
Original & Promotional	Six months probation, which cannot be waived.	Same	Same
Transfer	No probation permitted if not already serving a probationary period in the unit. If serving a probationary period in the unit, time already served shall be carried over. ss. 230.28(4), Wis. Stats., and ER-MRS 15.03 and 15.04, Wis. Adm. Code	Probation is permissive. s. 230.28(4), Wis. Stats.	Probation is permissive. s. 230.28(4), Wis. Stats.
Reinstatement to Same Class	No probation permitted if reinstated to the same employing unit and permanent status previously held in the unit. If separated during probation, appointing authority may carry over time already served. ss. ER-MRS 16.04(1)(c) & (2), Wis. Adm. Code	Probation is permissive. s. 230.28(4), Wis. Stats.	Probation is permissive. s. 230.28(4), Wis. Stats.
Reinstatement to Different Class	No probation permitted if reinstated to the same employing unit and permanent status previously held in the unit. If separated during probation, appointing authority may carry over time already served. ss. ER-MRS 16.04(1)(c) and (2), Wis. Adm. Code	Probation is permissive. s. 230.28(4), Wis. Stats.	Probation is permissive. s. 230.28(4), Wis. Stats.
Voluntary Demotion	No probation permitted unless demoting to a trainee position. Cannot demote unless permanent status gained at higher level. s. ER-MRS 17.04(3)(b), Wis. Adm. Code	Probation is permissive. s. ER-MRS 17.04(3)(c), Wis. Adm. Code	Probation is permissive. s. ER-MRS 17.04(3)(c), Wis. Adm. Code
Positions Brought Into Classified Service	Six months probation, but credit will be applied for time worked in the position prior to appointment. ss. 230.15, Wis. Stats., and ER-MRS 13.045, Wis. Adm. Code	N/A	N/A

PROBATIONARY PERIODS FOR SUPERVISORY AND MANAGEMENT POSITIONS

1. Successful completion of supervisory training is required after initial appointment to supervisory positions under s. 230.046(2), Wis. Stats., regardless of probationary status.
2. For appointment to non-supervisory management positions, the probationary period is as stated, but no training is required.

Type of Appointment	Within Employing Unit	Between Employing Units/Agencies	
		(Initial appointment to supv./mgt. positions. No previous permanent status in class in supv./mgt.)	(Previously had permanent status in class in supv./mgt.)
Original & Promotional	<ol style="list-style-type: none"> 1. One year probation; the last 6 months may be waived. 2. If initial appointment to supervisory position, above waiver contingent on successful completion of supervisory training. s. 230.28(1)(am), Wis. Stats. 	Same	Same
Transfer	<ol style="list-style-type: none"> 1. No probation permitted if not already serving a probationary period in the unit. If serving a probationary period in the unit, time already served shall be carried over. ss. 230.28(4), Wis. Stats., and ER-MRS 15.03 and 15.04, Wis. Adm. Code 2. If initial supervisory position, assure successful completion of training. s. 230.046(2), Wis. Stats. 	<ol style="list-style-type: none"> 1. Probation is permissive. s. 230.28(4), Wis. Stats. 2. If probation required, it is 12 months but last 6 months may be waived. 3. If position is supervisory, the above waiver is contingent on successful completion of supervisory training. s. 230.28(1)(am), Wis. Stats. 	<ol style="list-style-type: none"> 1. Probation is permissive. s. 230.28(4), Wis. Stats. 2. If probation required, it is 12 months, any portion may be waived. s. 230.28(1)(am), Wis. Stats.
Reinstatement to Same Class	No probation permitted if reinstated to the same employing unit and permanent status previously held in the unit. If separated during probation, appointing authority may carry over time already served. s. ER-MRS 16.04(1)(c) & (2), Wis. Adm. Code	Same as above for transfer.	Same as above for transfer.
Reinstatement to Different Class	<ol style="list-style-type: none"> 1. No probation permitted if reinstated to the same employing unit and permanent status previously held in the unit. If separated during probation, appointing authority may carry over time already served. s. ER-MRS 16.04(1)(c) & (2), Wis. Adm. Code 2. If initial supervisory position, assure successful completion of supervisory training. 	<ol style="list-style-type: none"> 1. Probation is permissive. 2. If probation is required, it is 12 months but can be waived at 6 months. 3. If it is a supervisory position, the above waiver is contingent on successful completion of supervisory training. ss. 230.28(1)(am), 230.046(2), Wis. Stats. 	<ol style="list-style-type: none"> 1. Probation is permissive. s. 230.28(4), Wis. Stats. 2. If probation required, it is 12 months but may be waived to 6 months. s. 230.28(1)(am), Wis. Stats.
Voluntary Demotion	No probation may be required. Cannot demote unless permanent status gained at higher level. s. ER-MRS 17.04(3) (b and c), Wis. Adm. Code	Same as above for reinstatement to different class.	Same as above for reinstatement to different class.
Positions Brought Into Classified Service	One year probation, but credit will be applied for time worked in the position prior to appointment. ss. 230.15, Wis. Stats., and ER-MRS 13.045, Wis. Adm. Code	N/A	N/A