

Memo To: All UH-Downtown/PS Holders
From: Max Castillo, President
Subject: Probationary Period for Staff Employees

UH-Downtown/PS 02.B.11
Issue No. 1
Effective Date: 10/15/07
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1. PURPOSE

- 1.1 The University of Houston-Downtown (UHD) requires an initial probationary period for all new regular 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 employer for the employment relationship to continue. During the probationary period, the supervisor has an opportunity to determine if the employee has the skills and abilities necessary to perform the duties required of the position, and the new employee may assess whether the 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 regular staff employees and is consistent with the UH System Administrative Memorandum 02.A.18 on probationary periods for regular staff employees.

2. DEFINITIONS

- 2.1 Exempt employee: An employee in a position that is not subject to the overtime provisions of the Fair Labor Standards Act (FLSA). Exempt employees include professionals, administrators, and executives, and are paid on a monthly basis.
- 2.2 Non-exempt employees: Employees who are paid hourly, in accordance with FLSA standards.
- 2.3 Regular staff employee: An employee who is appointed for at least 20 hours per week on a regular basis for a period of at least four and one-half months, excluding students employed in positions that require student status as a condition for employment and those holding a teaching and/or research position classified as faculty.

3. POLICY

- 3.1 The initial six (6) months of employment at the University of Houston-Downtown for non-exempt staff employees is probationary. The initial twelve (12) months of employment for exempt staff employees is probationary. During the probationary period, the supervisor will monitor the employee's performance to determine whether employment should continue.
- 3.2 In cases where the probationary period is interrupted, the probationary period will resume until completed in full if:

- 3.2.1 A staff employee is laid off because of a reduction in force (RIF) and the employee is reinstated in the same position within six months following the RIF;
or
- 3.2.2 A staff employee returns to work following an approved leave of absence such as FMLA or worker's compensation.
- 3.3 At any time during a probationary period, an employee may be dismissed with or without cause, without application of the discipline and dismissal procedures, as long as such dismissal is not based on illegal discrimination or retaliation.
- 3.4 Probation begins on the first day of work. To ensure continuity of assessment during probation, a new employee may not be transferred or promoted to a different position until the conclusion of the six (6) month or twelve (12) month probationary period. Exceptions to this restriction may be granted by the President, or designee, in consultation with the Vice President for Employment Services and Operations (VPESO) on a case-by-case basis. The supervisor requesting any such exception will submit detailed written documentation justifying this request to the VPESO.
- 3.5 If an employee transfers or is promoted to a different position before the initial probationary period is completed, the employee will remain on probation until the probationary period is completed.
- 3.6 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.
- 3.7 Managers may authorize dismissal of probationary employees after consultation with the VPESO, or designee. The manager will give the employee written notice of dismissal and its effective date and time. A dismissed probationary employee is not entitled to contest dismissal unless evidence can be presented to indicate that the claim merits inquiry, and the dismissal is based on illegal discrimination or retaliation. The availability of the hearing process, in such cases, will be determined by the VPESO, or designee.

4. PROCEDURES

There are no procedures associated with this policy.

5. EXHIBITS

There are no exhibits associated with this policy.

6. REVIEW PROCESS

Responsible Party: (Reviewer): Vice President for Employment Services and Operations

Review: Every three years on or before September 1st.

Signed original on file in Employment Services and Operations.

7. POLICY HISTORY

This is the first issue for this policy.

8. REFERENCES

UH System Memorandum 02.A.18