

## CHAPTER 4-07-06 PROBATIONARY PERIOD

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**4-07-06-01. Scope of chapter.** This chapter applies to all state and local government agencies, departments, institutions, and boards and commissions that employ individuals in positions classified by human resource management services.

**History:** Effective September 1, 1992; amended effective November 1, 1996; July 1, 2004.

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-12(1)

**4-07-06-02. Probationary period.** Each newly hired or reinstated employee shall serve a probationary period each time of the employee's hiring into a classified position in an agency. Nonprobationary classified employees are not required to serve a probationary period upon promotion within an agency. Temporary service at the same level and type of work may be considered toward the probationary period.

**History:** Effective September 1, 1992; amended effective July 1, 1995; November 1, 1996; July 1, 2004; January 1, 2012.

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-01, 54-44.3-12(1)

**4-07-06-03. Purpose and duration.** The purpose of the probationary period is to evaluate whether the employee can meet the performance requirements of the position to which the employee has been assigned. The duration of the initial probationary period must be for six months. However, an agency may use a probationary period with a longer duration if it is needed to determine satisfactory performance, and if it does not exceed one year's duration.

**History:** Effective September 1, 1992; amended effective July 1, 1995.

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-01, 54-44.3-12(1)

**4-07-06-04. Advising a new employee.** An appointing authority shall advise in writing each newly hired or rehired employee of the applicable probationary period prior to the time the employee begins work.

**History:** Effective September 1, 1992; amended effective July 1, 2004.

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-01, 54-44.3-12(1)

**4-07-06-05. Separation during the probationary period.** An employee may be separated at will from employment during the probationary period. The appointing authority shall notify the employee of the separation in writing.

**History:** Effective September 1, 1992; amended effective November 1, 1996.

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-01, 54-44.3-12(1)

**4-07-06-06. Notice of completion.** The appointing authority shall notify the employee in writing at the completion of the probationary period that the employee has satisfactorily completed the probationary period, that the probationary period has been extended, or that employment is terminated. Lack of notice within fifteen working days of completion of the probationary period means that the employee has successfully completed the probationary period.

**History:** Effective September 1, 1992; amended effective November 1, 1996.

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-01, 54-44.3-12(1)

**4-07-06-07. Extending a probationary period.** An appointing authority may extend an initial period of probation only if there is a documented work-related reason for doing so. The appointing authority shall notify the employee in writing of the decision to extend, the reason for the extension, and the length of the extension. A probation period extension beyond the initial probationary period imposed by the agency under section 4-07-06-03 may not exceed six months. The notification must be accomplished within fifteen working days of completion of the probationary period. A copy of this notice must be retained in the employee's official personnel file.

**History:** Effective September 1, 1992; amended effective November 1, 1996.

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-12(1)

**4-07-06-08. Promotion during initial probationary period.** Repealed effective November 1, 1996.

**4-07-06-09. Promotion following the initial probationary period.** Repealed effective November 1, 1996.