

OPM 98-68

Date: December 18, 1998

To: All Appointing Authorities

From: Oscar B. Jackson, Jr.
Administrator and Cabinet Secretary for Human Resources

Re: **Statutory Changes in the Length of Probationary Periods and Trial Periods on Promotion**

My memos to you on June 12, 1998 (OPM 98-36) and June 16, 1998 (OPM 98-39) provided you with information about statutory changes made by HB 2860 in probationary appointments and trial periods on promotion of classified employees. We have recently received several inquiries about the changes. **Please share the information in this memo with personnel in your agency who have an interest in probationary periods or trial periods.**

Section 7 of HB 2860 amended Title 74, Section 840-4.13D by providing that every person, upon initial appointment under the classified service, shall be appointed for a probationary period of one year. The Appointing Authority may waive in writing the remainder of the probationary period at any time after a probationary employee has served six months. This section pertains to all persons whose initial classified appointment began July 1, 1998, and thereafter.

Section 6 of HB 2860 amends Title 74, Section 840-4.12D by providing that all classified employees promoted within an agency shall serve a six month trial period, unless the trial period is waived, in writing, by the appointing authority. Also, the appointing authority may return the employee to the class from which the employee was promoted at any time during a trial period, upon written notice to the employee. The notice must state the reason(s) for the action. This section pertains to all classified employees whose promotion became effective July 1, 1998 and thereafter.

These statutory changes supersede the existing Merit Rules to the extent the statutes conflict with the rules. In other words, where they are different follow the statute. We have drafted emergency amendments to the Merit Rules so they will be consistent with the statute. The emergency amendments should become effective sometime in December 1998. **However, the statutory changes to the probationary period and the trial period are in effect now.**

If you have any questions, please contact your OPM Recruitment Division liaison.