



Department of Management Services  
 Division of Human Resource Management

# PROGRAM GUIDELINES

<b>SUBJECT:</b> <i>Extension of Probationary Period for Career Service Employees</i>	
<b>STATUTORY/RULE REFERENCE:</b> <i>Section 110.213(1), Florida Statutes          Section 110.227, Florida Statutes          Rule 60L-33.003(d)2., Florida Administrative Code</i>	<b>EFFECTIVE DATE:</b> <i>April 17,2007</i>
<b>FORMS:</b> N/A	<b>REFERENCE MATERIAL:</b> Case Law: <i>Schmauch v. Honda of America          United States District Court in Ohio          295 F.Supp.2d 823 (S.D.Ohio 2003)</i>

## I. SCOPE AND PURPOSE.

To provide clarification regarding the extension of probationary periods for Career Service employees.

## II. DEFINITIONS.

Probationary Period – There is not a definitive definition of probationary period in statute or rule. However Section 110.213(1) F.S., in part states: “All new employees must successfully complete *at least* a 1-year probationary period before attainment of permanent status.” Additionally, Section 110. 227 F.S., makes numerous references to “.....employee who has satisfactorily completed *at least* a 1-year probationary period in his or her current position.....,” and Rule 60L-33.003(d)2. states “An employee appointed on probationary status shall attain permanent status in the career service upon successful completion of the designated probationary period.

## III. POLICY.

There are no restrictions in either statute or rule that prohibits extending the probationary period for Career Service employees. The “*at least*” wording in the above statutory language implies that the probationary period for Career Service employees shall be, at a minimum, one year. It also implies that a probationary period may be longer, if necessary. Therefore, if there are documented business reasons which require extending the probationary period for more than one year, it is permissible.

Probationary period extensions may be granted for reasons such as, but not limited to:

- a. additional time to allow a Career Service employee the opportunity to achieve satisfactory performance;

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- b. additional time to allow a supervisor to observe the performance of an employee who has been away from the workplace on an extended approved leave of absence.

Probationary periods shall not be extended for:

- a. absences attributed to military leave or the federal Family Medical Leave Act. These absences shall count toward completion of the required probationary period; or,
- b. training or other activities that was not required or available prior to the beginning of the probationary period.

### ***IV. PROCEDURE.***

An internal procedure relating to probationary period extensions should be developed by agencies to ensure uniform application throughout the agency.