

**SUBJECT:** Trial Service Period **NUMBER:** 40.065.01

**DIVISION:** Chief Human Resources Office **EFFECTIVE DATE:** 01/01/2022

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**APPROVED:** Signature on file with the Chief Human Resources Office

**POLICY STATEMENT:** Trial service is the final phase of the hiring process to afford an employee the opportunity to demonstrate the ability to perform the work and provide state agencies the opportunity to confirm qualifications and fitness for the position.

**AUTHORITY:** ORS 240.015(1)(2)(4)(8); 240.145(3); 240.240; 240.250; 240.316(1)(2); 240.410; 240.425; 240.570(1)(3)(5)

**APPLICABILITY:** Classified unrepresented and management service employees, except those in limited duration appointments

**ATTACHMENTS:** None

**DEFINITIONS:** Also refer to State HR Policy 10.000.01, Definitions.

**POLICY:**

- (1) A trial service period of six to 12 months is required upon initial appointment or promotion. The length of trial service depends upon the complexity of the job, the length of time required to effectively perform the work and the length of the agency's initial training program.
  - (a) Part-time employees serve an equivalent trial service period set by the agency for the specified classification on an hour-by-hour basis (i.e., a six-month trial service period is equivalent to 1,040 hours for a half-time employee).
  - (b) Employment under a temporary appointment does not count as part of a trial service period upon subsequent appointment to a permanent position.
  - (c) Upon successful completion of the trial service period, an employee gains regular status.
  - (d) A seasonal employee who does not complete trial service in a single seasonal period is credited with accumulated service if a break between service periods does not exceed two years.
  - (e) An agency may establish a trial service period upon appointment of an injured worker to a position.
  - (f) An agency may establish a new trial service period for an employee who is currently serving a trial service period and who laterally transfers to another position having a different supervisor; or upon demotion, unless demoted as a result of restoration.

- (g) Except upon initial appointment, an employee employed directly from a limited duration position to a permanent position in the same classification at the same agency receives credit for time worked in the limited duration appointment towards trial service in the permanent appointment.
- (2) An agency may establish a trial service period when a regular status employee:
- (a) Transfers to a different agency.
  - (b) Transfers back to the same agency after an absence of more than one year.
  - (c) Reemploys with a different agency.
  - (d) Reemploys with the same agency after an absence of more than one year.
  - (e) Voluntarily demotes to a different classification series.
- (3) An agency appointing authority may extend an employee's trial service period:
- (a) By the corresponding total number of days for a period of leave with or without pay exceeding 15 consecutive calendar days.
  - (b) For the purpose of developing the skills and/or knowledge necessary for competent job performance if the initial trial service is less than 12 months.
  - (c) The trial service period may not exceed 12 months.
- (4) An agency appointing authority may remove a trial service employee during a trial service period if, in the opinion of the appointing authority, the employee is unable or unwilling to perform duties of the position satisfactorily, or the habits and dependability of the employee do not merit continuance in state service.
- (a) The agency shall provide the employee written notice of trial service removal. The notice shall state the action of removal is being taken, indicate the effective date of the action, identify the grounds as listed above, and include the statutory reference (ORS 240.570(3) or ORS 240.410 for a management service employee, or ORS 240.410 for a classified unrepresented employee).
  - (b) An employee who gained regular status in any previously held position in classified unrepresented or management service immediately prior to transferring, promoting, or voluntarily demoting, and who is removed from trial service, has return rights to a position in the same classification or successor classification in the same agency as the previously held position. If a position in the previously held classification or successor classification is not available, the agency shall place the employee in a lower position in the same service type for which the employee is qualified. In order to have return rights, the removal from trial service shall be involuntary and for reasons other than those specified in ORS 240.555.
  - (c) If no vacant position exists in the classification determined in section (4)(b), the agency shall return the employee to a filled position.

- (A) The agency will resolve any resulting doublefill by applying (i) or (ii) below.
  - (i) The agency may conduct a layoff; or
  - (ii) The agency shall develop a plan to resolve the doublefill, document the plan in writing and specify the timeframe for resolution.
- (B) The decision to resolve the doublefill shall be subject to applicable state HR policies, rules and collective bargaining agreements.
- (d) A trial service employee who is removed and who previously gained regular status in an agency whose employees are excluded from the provisions of ORS 240 shall be subject to the policies of the former agency.
- (e) A classified unrepresented employee who is removed during trial service may request review of such removal according to State HR Policy 70.005.05, Classified Unrepresented Grievance Review.
- (f) Employees in trial service following a lateral transfer or promotion may request to be removed from trial service. Upon approval by management, the employee shall have the right of return to the same classification or comparable salary range in the same agency as the previously held position.