

Number 12.9 - NOTICE OR PAY IN LIEU OF NOTICE FOR ORIGINAL PROBATIONARY EMPLOYEES

Effective Date: January 1, 2000

Applicable To: All newly hired classified employees serving in an original probationary period, or extension(s), with the Executive Branch of the State of Vermont

Issued By: Department of Personnel

Approved By: Kathleen C. Hoyt, Secretary of Administration

PURPOSE AND POLICY STATEMENT

The purpose of this policy is to provide appointing authorities with guidance about prior notice or pay in lieu of notice for employees who are being terminated from State service during their original probationary periods.

It is the policy of the State of Vermont that when an original probationary employee resigns, is dismissed, or is otherwise terminated from State service, appointing authorities may, at their sole discretion, exercise one of the following four options with regard to prior notice, or pay in lieu of notice.

An original probationary employee may be:

1. terminated immediately, without notice or pay in lieu of notice; or
2. granted up to two weeks prior notice, and permitted and/or required to work during the notice period; or
3. granted up to two weeks pay in lieu of notice
4. granted a combination of pay and notice, not to exceed two weeks in the aggregate.

GENERAL GUIDELINES:

In deciding which option to use in any particular situation, appointing authorities should consider:

- the reason for the probationer's termination. Notice, or pay in lieu of notice, should probably not be considered for probationers being terminated for misconduct.
- the organizational purpose served by the granting or denial of prior notice or pay in lieu of notice.
- employee perception and adverse impact on morale or operations.
- the proposed option's effect on the agency's ability to efficiently replace the probationer.

- probationers who voluntarily resign should not be considered for pay in lieu of notice.

Always ensure that the effective date of the employee's termination is the last day the employee actually works. Employees may not be kept on the payroll, without being required to work, as an alternative means of providing pay in lieu of notice. Pay in lieu of notice should always be paid after a probationer is terminated from employment.

Signed By Kathleen C. Hoyt, January 3, 2000

Approved, Secretary of Administration