



Virginia Department of Corrections

Human Resources

Operating Procedure 145.1

Probationary Period

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REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, American Correctional Association (ACA) standards, Prison Rape Elimination Act (PREA) standards, and DOC directives and operating procedures.

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DEFINITIONS

Classified Position - Salaried position assigned to an occupational family and career group based on duties and responsibilities, and to a role code based on the compensable factors of complexity, results, and accountability.

Excepted Position - A position that is not covered by COV §2.2-2900 et seq., *Virginia Personnel Act* including positions in Virginia Correctional Enterprises and the Judicial and Legislative Branches of state government.

Probationary Period - Introductory period of employment that allows the employee and the agency to determine if the employee is suited for the position.

Probationary Progress Review - The form used to document the probationary employee's progress during the probationary period.

Reviewer - The supervisor of an employee's immediate supervisor, or another person designated to review an employee's work description, performance plan, performance rating, and who responds to appeals of performance ratings.



PURPOSE

This operating procedure provides guidance for the establishment and administration of probationary periods for Department of Corrections (DOC) employees who are entering or re-entering state service or who are moving into a Corrections Officer position.

PROCEDURE

I. Probationary Period

A. All persons who begin original employment or who are rehired into classified positions, including employees who move from excepted positions to classified positions or from classified positions to excepted positions in Virginia Correctional Enterprises (VCE), must serve a 12-month probationary period effective from the date of employment or re-employment unless national or state regulations specify otherwise. (5-ACI-1C-12; 2-CO-1C-15)

B. Corrections Officer Positions

1. All persons hired, re-employed, transferred, promoted, or demoted to a position in the Corrections Officer series must serve a new 12-month probationary period, unless they are already serving in a Corrections Officer series position and are moving to another position within the same series.
2. An employee who is promoted within the DOC to a Corrections Officer position will be offered to be returned to their previous position or an equivalent vacancy if the new probationary period is not completed for any reason other than misconduct.

C. VCE Positions

1. All persons hired, re-employed, or transferred to an excepted position in VCE, including employees who transfer from a state classified position, are required to serve a 12-month probationary period.
2. All VCE employees who are hired, re-employed, or transferred into classified positions with the DOC are required to serve a 12-month probationary period.

D. Employees who have satisfactorily completed the probationary period will not be required to serve another probationary period if they change positions within the DOC, with the exception of employees going into Corrections Officer positions as outlined above and employees transferring from an excepted position to a classified position or from a classified position to an excepted position.

II. Change of Positions During Probation

A probationary employee who moves into another position within the initial 12-month probationary period must complete the remainder of the probationary period in the new position as outlined below.

- A. *First six months* - If an employee moves to a new position within the first six months of probation, the remainder of the 12-month probationary period must be completed. The probationary period may be extended beyond 12 months for performance reasons or for absences as described in this operating procedure.
- B. *Second six months* - If an employee moves to a new position within the second six months of probation, the probationary period may remain at 12 months, or the supervisor may extend it to 18 months (six additional months) if a longer probationary period in the new job is desired.

III. Extensions for Performance

A. Probationary periods may be extended for up to six additional months for performance reasons. The reasons for the extension must be documented on the *Probationary Progress Review 145_F1* and must be given to the employee. Individuals listed as Reviewers on the employees "*Employee Performance Plan*" (EPP) or a higher unit authority must approve the extension.



- B. Documentation used to support extending the probationary period must provide information to the employee about performance deficiencies, expected levels of performance, how to meet performance expectations, and the period for which the probationary period is extended.

IV. Extensions for Absences

- A. Probationary periods must be extended when probationary employees are on any leave, with or without pay, for more than 14 consecutive calendar days.
 - 1. This includes all absences in excess of 14 calendar days, such as workers' compensation, family medical leave, military leave with or without pay, and *Virginia Sickness and Disability Plan* (VSDP) absences, Short-Term Disability or Long-Term Disability working status.
 - 2. Also included are periods of short-term disability where the employee is working in an active employment status with restrictions or modifications.
- B. The number of days to be extended includes the first 14 calendar days of absence and all days in excess of 14, up to the return-to-work date. The employee will be notified in writing of the extension.

V. Performance Management

- A. Supervisors should establish performance expectations for probationary employees within 30 calendar days of the employee's start date.
- B. Supervisors should provide feedback to new employees throughout their probationary period.
 - 1. Documentation of an employee's progress must be discussed with the employee and kept in the supervisor's file.
 - 2. Employees must be provided with copies of all documentation in the supervisor's file immediately, upon request.
- C. Supervisors must meet with the probationary employee at or near the six-month mark to review and discuss the employee's progress toward meeting the expectations outlined in their performance plan. (4-APPFS-3D-18)
 - 1. A *Probationary Progress Review 145_F1* must be completed and discussed with the employee at this meeting.
 - 2. The supervisor must send the original form to the Human Resource Office for retention in the employee's personnel file. The Supervisor may also upload the form attaching to the EPP within the Performance Management System.
 - 3. A copy must be provided to the employee, and a copy may be kept in the supervisor's file.
- D. Decline in performance or unsatisfactory performance following a satisfactory six-month performance review, or at any time during the probationary period, may be a basis for extension of the probationary period or termination.
- E. Supervisors must meet with probationary employees approximately three weeks prior to the end of their probationary period to provide a progress review.
 - 1. The *Probationary Progress Review 145_F1* should be used; however, the EPP may also be used for this purpose.
 - 2. If the employee's performance is rated as successful, the supervisor will notify the employee in writing when the probationary period has been satisfactorily completed.
 - 3. If a probationary employee works beyond the end of the probationary period without receiving written notification of their status or that the probationary period is being extended for performance reasons, the employee will be considered to have successfully completed the probationary period.
- F. If it is determined anytime during the probationary period that the employee is not suited for the position,



the employee should be allowed to resign or be terminated.

1. Notice of termination will be by letter or memorandum.
2. Notification by mail must be sent certified or registered mail.
3. Records must reflect that the employee was terminated for “*unsuccessful performance during the probationary period*” or that the employee “*resigned during the probationary period*”.

G. Employees may be disciplined during probation, using 135.1, *Standards of Conduct* as a guide.

1. Probationary employees may be terminated for any level of offense, provided the termination is consistent with other similar actions.
2. Written notices are not needed, and should not be used, for probationary employees who are “at will,” because they may be terminated at any time.

H. Employees may file a discrimination complaint with the appropriate office or agency if they believe that termination or other disciplinary action was discriminatory based on race, sex (including sexual harassment, pregnancy, and marital status) color, national origin, religion, sexual orientation, gender identity, age, political affiliation, veteran status, or against otherwise qualified persons with disabilities unless there are bona fide occupational qualifications; see Operating Procedure 145.3, *Equal Employment Opportunity*.

REFERENCES

[COV §2.2-2900 et seq., Virginia Personnel Act](#)

Operating Procedure 135.1, *Standards of Conduct*

Operating Procedure 145.3, *Equal Employment Opportunity*

ATTACHMENTS

None

FORM CITATIONS

Probationary Progress Review 145_F1

