

**BOARD OF TRUSTEES
UNIVERSITY OF THE DISTRICT OF COLUMBIA
UDC RESOLUTION NO. 2017 –**

SUBJECT: PROPOSED MODIFICATIONS TO THE UNIVERSITY OF THE DISTRICT OF COLUMBIA’S PROBATIONARY PERIOD

WHEREAS, The Board of Trustees (the “Board”) of the University of the District of Columbia (the “University”) pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act) effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a); 38-1202.06 (2001 & 2011 Supp.)), and under the District of Columbia Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Official Code, §1-601.1 et seq.), has the authority to adopt, prescribe, and enforce rules and regulations it considers necessary for the governance and administration of the University; and

WHEREAS, the Board seeks to amend the Probationary Period set forth in Title 8B of the District of Columbia Municipal Regulations (DCMR), at Chapter 1110, to clarify that the provisions do not apply to the faculty, employees with temporary or time-limited appointments, or University Administration; and

WHEREAS, the Board seeks to clarify the provisions of the University’s Performance Management Program that will apply to probationary employees;

NOW, THEREFORE BE IT RESOLVED, that the Board hereby takes proposed rulemaking action to amend Title 8B of the DCMR, Chapter 1110, as described above; and

BE IT FURTHER RESOLVED, that the Board hereby approves the President of the University delegation of authority to the Vice President of Human Resources to waive such probationary period as indicated in the Notice of Proposed Rulemaking attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED, that the General Counsel is hereby directed to publish this Notice of Proposed Rulemaking in the D.C. Register as soon as is practicable for a comment period of not less than thirty (30) days, in accordance with the provisions of D.C. Official Code §2-505(a).

Submitted by the Operations Committee:

September 12, 2017

Approved by the Board of Trustees:

September 19, 2017

Christopher Bell
Chairperson of the Board

EXHIBIT A

NOTICE OF PROPOSED RULEMAKING

The Board of Trustees of the University of the District of Columbia pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act) effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a); 38-1202.06)(3),(13) (2001 & 2011 Supp.) hereby gives notice of its intent to amend chapter 11 (General Personnel Policies) of subtitle B (University of the District of Columbia) of title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the proposed rule is to amend the University's Probationary Period to clarify that the provisions do not apply to the faculty, employees with temporary or time-limited appointments, or University Administration.

The Board of Trustees will take final action to adopt these amendments to the University Rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 11, GENERAL PERSONNEL POLICIES, of subtitle B, UNIVERSITY OF THE DISTRICT OF COLUMBIA, of title 8, HIGHER EDUCATION, is amended as follows:

Section 1110, PROBATIONARY PERIOD, is amended as follows:

1110 PROBATIONARY PERIOD

- 1110.1 The purpose of this chapter is to set forth rules that apply to the University's employees who are required to serve a one (1) year probationary period upon appointment to any position within the University.

- 1110.2 The provisions of this chapter apply to all University employees except as follows:
 - (a) Faculty;
 - (b) Employees with a temporary or time-limited appointment; and
 - (c) The University Administration (President's Cabinet)

- 1110.3 Upon request by the appropriate University Administrator, the Vice President for Human Resources, or a designee, may waive the probationary period for any person who has previously completed a probationary period in the field of specialty for which that person is being hired at the University.

- 1110.4 The probationary period will be used to evaluate the performance of the employee and determine whether the employee is suited for successful job performance. The supervisor will provide appropriate instruction for the employee to function satisfactorily.

- 1110.5 An employee serving a probationary period shall be subject to the provisions of the UDC performance management system only to the extent that a Performance Plan shall be provided to the probationary employee and their performance shall be evaluated against the standards set forth in that Performance Plan.
- 1110.6 At least one progress discussion should occur for probationary employees. The mid-year progress discussion will not preclude a recommendation to nonetheless terminate the probationary employee during his or her probationary period. Likewise, an acceptable performance rating during the probationary period in and of itself does not ensure automatic passing of the probationary period or automatic movement to a permanent appointment.
- 1110.7 The University shall terminate a probationary employee if, at any point during the probationary period, the employee's work performance or conduct fails to demonstrate suitability and qualifications for continued employment.
- 1110.8 Neither the mid-year progress discussion nor the annual performance evaluation is appealable by a probationary employee.
- 1110.9 If an employee serves under a temporary or part-time appointment in the same position for twelve (12) consecutive months or longer, and is subsequently assigned regular full-time status in that position, he or she should be deemed to have fulfilled the requirement to serve a probationary period.

All persons desiring to comment on the subject matter of the proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Office of General Counsel, Building 39-Room 301-Q, University of the District of Columbia, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Comments may also be submitted by email to karen.hardwick@udc.edu. Individuals wishing to comment by email must include the phrase "Comment to Proposed Rulemaking: Probationary Period" in the subject line.



FISCAL IMPACT STATEMENT

TO: The Board of Trustees
FROM: Managing Director of Finance *David L. Franklin*
DATE: August 21, 2017
SUBJECT: Fiscal Impact Statement – Probationary Period

Conclusion

It is projected that there is no fiscal impact involved in effectuating changes to the Probationary Period chapter of 8B DCMR.

Background

The current 8B DCMR regulation is being updated to clarify that the probationary period will not apply to faculty, employees with a temporary or time-limited appointment, or Cabinet level appointments; to clearly identify those provisions of the University's performance management program that will apply to probationary employees; and to delegate the authority to waive a probationary period to the University's Vice President for Human Resources.

Financial Impact

There are no funding requirements associated with the recommended Title 8B of the DCMR. This request has been approved based upon the information provided. There are no anticipated risks at this time.