

# **An Evaluation of Caltrans Management of Employee Probation**

**By  
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**A Thesis Quality Research Project Submitted in Partial Fulfillment of the  
Requirements for the Masters of Science in Transportation Management**

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### List of Appendices

**Appendix A** Article 6 on Probationary Period (Sections 19170-19180) of Chapter 5 on Apportionments; Government Code, Title 2, Division 5, Part 2 of State Civil Service

**Appendix B** Caltrans Guide to Supervising Probationary Employees

**Appendix C** Caltrans Hiring Smart Guide for Managers and Supervisors, pages 15-16

**Appendix D** Survey Instrument, summary of results are contained in FINDINGS, pages 15-34

**Appendix E** SPB Case No. 00-2927

**Appendix F** Public Records Act Requests and Correspondence

**Appendix G** Caltrans 2006 Employee Survey Final Report

## FOREWORD

The following story is taken from Jim Collin's book *Good to Great and the Social Sectors: Why Business Thinking is Not the Answer*. The reason why I have chosen to share this excerpt prior to sharing my research is that the ideas illustrated are relevant to my research topic and because the story has played a significant role in inspiring my research effort.

### **Getting the Right People on the Bus, Within Social Sector Constraints**

In 1976, 25-year-old Roger Briggs began teaching physics at a suburban public high school in Boulder, Colorado. As he settled into daily teaching, a persistent thought pushed to the front of his consciousness, like a pebble inside a shoe: Our schools could be so much better.

But what could he do? He wasn't principal. He wasn't superintendent. He wasn't governor. Roger Briggs wanted to remain on the front line of education, shoulder to shoulder with fellow teachers. After becoming department chair, Briggs decided to turn his little arena into a pocket of greatness. "I rejected the idea of being just a member of the 'worker class,' accepting good as good enough. I couldn't change the whole system, but I could change our 14-person science department."

He began the same way all the good to great leaders began: First get the right people on the bus. Given the low compensation for teachers and the paucity of incentives, Briggs had to fill faculty seats with people compulsively driven to make whatever they touch the best it can be – not because of what they would "get" for it, but because they simply could not stop themselves from the almost

neurotic need to improve. With a teachers' union that protected the mediocre and excellent alike, Briggs knew it would be more difficult to get the wrong people off the bus, so he focused instead on getting the right people on the bus. He began to view the first three years of a teacher's career as an extended interview. He inverted the three-year tenure recommendation from a default of "Yes, you'll likely get tenure, unless you've done something egregious" to a default of "No, you will most likely not get tenure, unless you have proven yourself to be an exceptional teacher."

A turning point came when an adequate teacher came up for tenure. "He was a good teacher, but not a great one," explained Briggs. "And I just felt we couldn't accept merely 'good' for our department." Briggs argued against granting tenure, and held firm to his countercultural position. Soon thereafter, a spectacular young teacher became available, and the science department hired her. "Had we tenured the other teacher, we'd have a good person in that seat, whereas now we have a great teacher," explained Briggs. As the culture of discipline tightened, the wrong teachers found themselves to be viruses surrounded by antibodies, and some self-ejected. The science department minibus changed – hire by hire and tenure decision by tenure decision – until a critical mass coalesced into a culture of discipline.

The Roger Briggs story highlights three main points. First, and most important, you can build a pocket of greatness without executive power, in the middle of an organization. If Roger Briggs can lead his minibus from good to great within the constraints of the public school system, you can do it nearly

anywhere. Second, you start by focusing on the first Who principle – do whatever you can to get the right people into the right seats. Tenure poses one set of challenges ...lack of resources another, but the fact remains: greatness flows first and foremost from having the right people in the key seats, not the other way around. Third, Briggs accomplished all this with the use of early-assessment mechanisms, rigorously employed.

In the social sectors, where getting the wrong people off the bus can be more difficult than in a business, early assessment mechanisms turn out to be more important than hiring mechanisms. There is no perfect interviewing technique, no ideal hiring method; even the best executives make hiring mistakes. You can only know for certain about a person by working with that person.

Business executives can more easily fire people and – equally important – they can use money to buy talent. Most social sector leaders, on the other hand, must rely on people underpaid relative to the private sector.... Yet a finding from our research is instructive: the key variable is not how (or how much) you pay, but who you have on the bus. The comparison companies in our research – those that failed to become great – placed greater emphasis on using incentives to “motivate” otherwise unmotivated or undisciplined people. The great companies, in contrast, focused on getting and hanging on to the right people in the first place – those who are productively neurotic, those who are self-motivated and self-disciplined, those who wake up every day, compulsively driven to do the best they can because it is simply a part of their DNA. In the social sectors, when big incentives are simply not possible, the First Who principle becomes even more

important. Lack of resources is no excuse for lack of rigor – it makes selectivity all the more vital. (Collins, 2005)

## **PROBLEM STATEMENT**

### **Introduction**

The story I shared in the foreword was one of the primary sources of inspiration for this research effort. The other source of inspiration came from information Director Will Kempton shared in an internal video update to Department of Transportation (Department) employees during the fall of 2006. In his presentation, Director Kempton noted that, according to the results of the latest Caltrans Employee Survey, employees want the Department to do a better job of (1) attracting and retaining quality employees and (2) dealing with poor employee performance. These two closely-related issues were highlighted by Kempton as the top two concerns for employees and therefore key opportunities for improvement; within Caltrans.

Restating this as a problem statement: if Caltrans doesn't attract and retain quality employees, then poor employee performance must be dealt with effectively. Conversely, if management deals effectively with poor employee performance, Caltrans will be better able to attract and retain quality employees. This is a complex problem, so to make the research manageable I've chosen to focus on Caltrans current "Probationary period"<sup>1</sup> policy as a potential solution.

This research sought to answer the major questions:

- What is current policy?

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<sup>1</sup> Probationary period is defined as a period of time (typically six to 12 months) during which a new hire works without the full protection of civil service (serving more or less at will, after which time they gain "permanent status").

- What is current practice?
- If policy is not practiced, what can be done to turn policy into practice?

## **MAJOR RESEARCH QUESTIONS AND METHODOLOGY**

### **Major Research Questions**

This research was accomplished through the exploration of five component research questions as follows:

- Where can policy be found? – This question is answered by referencing SPB Law book Codes, specifically Government Code, Title 2, Division 5, Part 2, State Civil Service, Chapter 5 Appointments, Article 6. Probationary Period found in Sections 19170-19180 (Appendix A).
- Who is responsible for policy enforcement? – This question is answered through a careful review of Article VII of the California Constitution.
- Where can policy guidance be found? – Policy is interpreted by Caltrans in the “Guide to Supervising Probationary Employees” (Appendix B) and the “Hiring Smart Guide for Supervisors and Managers”, particularly the section on Supervising Probationary Employees (Appendix C). Both of these documents are very useful for understanding the probationary employee process at Caltrans.
- Why have probationary periods? – This question is answered in part by a review of Little Hoover Commission report number 181, along with material from Naff on the likelihood of civil service reform in California and from Klinger on alternatives to reform.

- How well are we doing? – This question is partially answered by use of a survey instrument distributed to a selected population (Appendix D), the survey results contained in the Findings section, and analysis of existing data obtained through both a review of SPB Case No. 00-2927 (Appendix E), along with literature reviews which included a selected review of the Final Report of Caltrans 2006 Employee Survey (Appendix G).

## **Survey Methodology and Administration**

The Survey on Supervising Probationary Employees (Survey) (Appendix D) was administered from April 8 through April 22, 2008. In drafting the format of the Survey I referred to Survey Monkey's 2007 Smart Survey Design Guide, while content for the questions was primarily taken from a review of the "Guide to Supervising Probationary Employees" (Appendix B) and the "Hiring Smart Guide for Supervisors and Managers" (Appendix C). Prior to distributing the Survey, I met with the Deputy District Director (DDD) of Administration for Caltrans District 10 (D10) on April 2, 2008, to discuss my research project and request approval to do the Survey. A draft of the Survey, containing 69 questions, was submitted at this time to the DDD of Administration for review and approval. Over the next few days, the DDD of Administration and I made a number of revisions to the draft Survey, narrowing the number of core questions down to 41 with the intent of increasing the accuracy of and response rate to the Survey. I also made a verbal request for existing D10 data on how many probationary employees have passed/failed per year over the last five years.

The voluntary Survey questionnaire (Appendix D), with prior approval from Caltrans D10 DDD of Administration, was distributed by email to all supervisor-level



personnel in D10. Supervisors were allowed to print out the Survey and given time during their normal working day to complete the questionnaire. Supervisors were sent two email and one phone message reminders to participate and return their Survey by the original deadline of April 22, 2008, which I arbitrarily set to accommodate my scope of work and research timeline. However, as surveys continued to trickle in up to one week past the original deadline, I disregarded the deadline and included all of the returned Surveys in the results of this report.

A full 57% of all D10 supervisors used the Survey to provide their input on and express their opinions about supervising probationary employees. This high participation rate means that the results contained in the Findings section provide a robust, reliable, and valid measure of supervisor understanding and practice of the probation process for D10.

It is important to note that while a list of D10 supervisors was requested from personnel and also from the DDD of Administration in D10; I was unable to obtain a list consisting of only supervisors. Instead, I was advised to use the “D10 Expanded Staff” distribution list, which contains both senior and supervisor level staff, with seniors ranking one step lower than supervisors. Most senior and supervisor level employees are in positions that require them to supervise others; however, some senior level staff do not supervise probationary employees. Adjusting for the non-supervisory positions theoretically means that the Survey response rate I received from those supervising probationary employees was higher than 57%.

While planning this research effort I had hoped to do follow-up interviews with Survey respondents; however, only 39% indicated a willingness to be contacted for a

confidential follow-up phone interview on this topic, and only seven of those respondents could be identified by name. This is most likely due to the sensitive and delicate nature of this research topic. Since I did not want to place anyone in a difficult position with respect to their relationship with their employer, I eventually decided not to contact any of the Survey respondents for follow-up interviews.

## **Literature Reviews and Interviews**

I performed a literature review prior to drafting the Survey, and discovered that there was no prior research conducted on the topic of civil service probation management. There was, however, an abundance of information available on the topic of civil service and much discussion on civil service reform. Through talking with an individual in the D10 Personnel Office, I learned of two primary sources for information about Caltrans probation process: the “Guide to Supervising Probationary Employees” (Appendix B), and the “Hiring Smart Guide for Managers and Supervisors” (Appendix C). Through email correspondence I was able to confirm with a Human Resource Manager in the Division of Human Resources (DHR) that these two documents were the only two Caltrans sources of information on the topic of civil service probation.

In an attempt to get some existing data on the number of probationary employees who have passed/failed per year over the last five years, I submitted two formal written Public Records Act Requests (Appendix F). On May 1, 2008 I requested a summary of probationary data both for Caltrans and for D10; initially this request was denied on May 19, 2008. The response I received from Caltrans was as follows: “We do not have any information regarding the number of probationary employees we have passed or failed.”

On May 6, 2008, I also requested an interview from the Chief of DHR and/or a member of DHR staff, and after repeated requests by email a DHR staff member contacted me by phone on May 20, 2008. While an interview could not be arranged, the staff member did promise to help me obtain the number of Notices of Rejection During Probationary Period (NRDPP) served by Caltrans over the past five years. DHR provided the NRDPP numbers on June 6, 2008 (Appendix F), however I was asked to submit a separate Public Records Act Request for the number of Hires, Rehires, and Promotions made by Caltrans over the past five years. These total numbers are necessary to analyze the NRDPP information. I submitted the second request on June 6, 2008, however I was informed on June 11, 2008 that “[Caltrans would be] unable to provide [me] with the total number of employees appointed to positions in which they served a probationary period... the way the codes are established in the State Controller’s Office (SCO) system prevents us from capturing that data.”

## **LITERATURE REVIEW**

### **Background**

Probation is generally a straightforward arrangement associated with hiring new employees where, after a specified time, a capable employee is kept on and considered permanent, and a poor performer is let go (Schear, 2005).

### ***Where can policy be found?***

- Government Code, Title 2, Division 5, Part 2, State Civil Service,
  - Chapter 5. Appointments

- Article 6 on Probationary Period Sections 19170-19180  
(Appendix A).

### ***Who is responsible for policy enforcement?***

Article VII of the California Constitution requires that all apportionments and promotions in State of California (State) civil service be made through competitive examination, making the State's selection system a merit-based system. The Constitution further requires that the State Personnel Board (SPB) oversee the State's selection system and enforce the civil service laws to ensure compliance with the merit principle. The State's selection system encompasses a myriad of selection functions, including recruitment and advertising, testing for the establishment of eligible lists, hiring interviews, background/reference checks, medical evaluation, drug testing, psychological screening, and civil service probation. Currently, the State's selection system is decentralized and provides for individual State departments and agencies, under the authority and oversight of the SPB, to administer their own selection processes, inclusive of... administering civil service probationary periods. (Policy Division State Personnel Board, 2003)

### **Responsibilities**

Caltrans has full responsibility for the administration of departmental promotion and for many of the open exams for civil service classifications used by [Caltrans] (Upward Mobility Guide Committee, 2002).

The SPB continues to conduct exams for some entry-level clerical (office assistant) and service wide professional classifications (Staff Services Analyst). A

primary responsibility of the SPB is to ensure that exams are job related and fairly conducted, and that departments carry out the principles of the merit system (ie. that exams are competitive and designed to fairly determine the qualifications and promotional readiness of the candidate group). This includes hearing and acting on appeals from exams conducted by all departments and the SPB. Appeals typically cover application rejection, written test scores, and/or interview scores. (Upward Mobility Guide Committee, 2002)

***Where can policy guidance be found?***

- Guide to Supervising Probationary Employees (Appendix B)
- Hiring Smart Guide for Managers and Supervisors (Appendix C)

**Examination Process**

There are eight basic steps to complete in a Caltran’s State Civil Service examination. For the purposes of this research I am only looking at the eighth or final step.

To obtain permanent status in a new civil service position, individuals must satisfactorily complete a probationary period of six to 12 months. If the probationary period is not successfully completed and the individual has pre-existing permanent status in another class, he/she has the right to return to the former classification. If there is no prior permanent status, the individual will be terminated from State Civil Service employment. The successful completion of the probationary period completes the examination process. (Upward Mobility Guide Committee, 2002)

### ***Why have probationary periods?***

Historically the State has used probationary periods to bolster the reliability of the hiring process. State employees are subject to probationary periods of six to 12 months prior to being given tenure in the civil service system. But the value of the probationary system has diminished as the requirements for rejecting an employee on probation have become only slightly less [arduous] than terminating a tenured civil servant. In fiscal year 2001-02, less than 1 percent of the more than 36,000 new hires, rehires, and promotional employees were rejected during their probationary period. (Little Hoover Commission, 2005)

State officials assert that many terminations were likely for technical violations of personnel rules, rather than poor performance. Few jobs have clear performance metrics, making performance appraisals more subjective, more difficult to validate and less likely to withstand appeals. (Little Hoover Commission, 2005)

### **Reform**

State governments that have sought reform of the probationary system have taken one of two approaches – either modernization or the complete abolishment of the system. Political factors have prevented the State of California from following either of these two models, despite vocal calls for reform. Among the reasons cited are the power of the unions and their relationship with the governor, the existence of two sometimes competing agencies overseeing the civil service system, a lack of consensus that the system needs reform, and the absence of a strong leader to drive the effort. (Naff, 2002)

A possible inroad to reform could be through demonstration projects, which SPB has had the authority to conduct and evaluate since 1980. The purpose of these projects

is to test new personnel management practices for a period of five years, with the goal of making them permanent if they appear to be successful and if all parties agree. To date, however, the only legislative change resulting from these demonstration projects was AB 1399, passed in 1999, which requires that agencies obtain written agreements from supervisors before implementing demonstrations that would affect them. (They are already required to seek union concurrence for demonstration projects that affect rank-and-file employees.) This legislation represented a compromise with the unions who sought to abolish demonstration projects. (Naff, 2002)

Another impediment to reform is the existence of two agencies with central roles in the civil service system and its day-to-day operations: SPB and the Department of Personnel Administration (DPA). Since the passage of the Dills Act in 1977, which made most terms and conditions of employment negotiable, and the subsequent establishment of DPA to represent the governor in those negotiations, SPB has seen its authority and scope of responsibility diminish. As a result, even when unions agree to reforms in the context of labor negotiations, SPB sometimes steps in and objects. (Naff, 2002)

### **Alternatives to Reform**

In the pursuit of more flexible employment relationships, there has been an increased use of temporary, part-time, and seasonal employment; and increased hiring of exempt employees (those outside the classified civil service system) through employment contracts. These two devices, along with the increased use of outside contractors, have markedly changed the face of the public work force. (Klinger et al, 1997)

Some form of central monitoring or “quality control” [by SPB] seems to be key to the establishment of some coherence in state personnel practice and to the ability to do statewide strategic workforce planning. (Walters, 2002)

## **FINDINGS**

### ***How well are we doing?***

Every two years, Caltrans conducts a survey of its employees. Based on the 2006 Employee Survey results (Appendix G), it is clear that employees do not think Caltrans is managing the talent and performance of the workforce properly.

Regarding the category of Talent, the majority of survey participants do not believe Caltrans does a good job of attracting or retaining high quality employees (49% and 56%, respectively).<sup>2</sup> Furthermore, employees do not believe that Caltrans manages poor performance properly, with only 24% of respondents agreeing that poor performance is not tolerated at Caltrans (26 percentage points below United States norms), and only 49% of survey participants believing that supervisors hold staff accountable for their performance (9 percentage points below 2002 results and 32 percentage points below US norms). (Hay Group Insight, 2007)

Within the Treatment and Equity category, concerns about performance management are also expressed: a mere 58% of employees feel work is fairly distributed within their functional unit, and the majority (53%) says that poor performance is too frequently tolerated. (Hay Group Insight, 2007)

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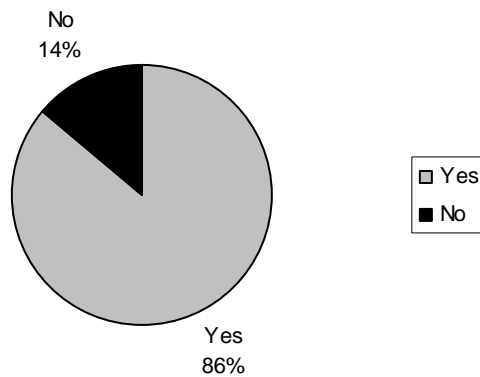
<sup>2</sup> D10 supervisors responded almost 20 percentage points higher or more negatively at 68% and 77%, respectively.



## Supervising Probationary Employees Survey

According to the results of the Survey shown below, there is room for improvement in how Caltrans manages employee probation. The general statistics for the Survey show that out of 61 surveys administered to Caltrans D10 supervisory personnel, the total respondents numbered 35, which is a 57% response rate. The following is the survey summary:

### 1. Have you completed the required 80 hours of Supervisors Training?



#### Additional Comments

1. "No" – Done the first half (40 hours).
2. "No" – I took a class, but I can't remember if it was 80 hours.

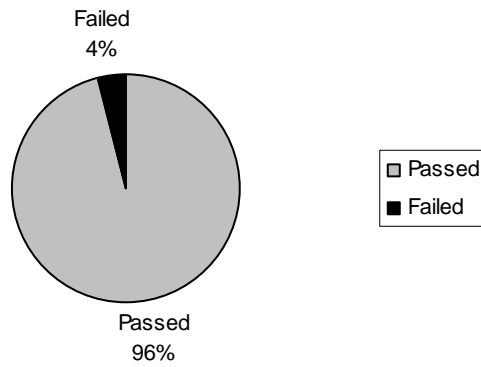
### 2. Have you supervised a probationary employee in the last five years?

All 35 Survey Respondents answered "yes" to this question, indicating that they are all supervisors and that they've supervised a probationary employee in the last 5 years.

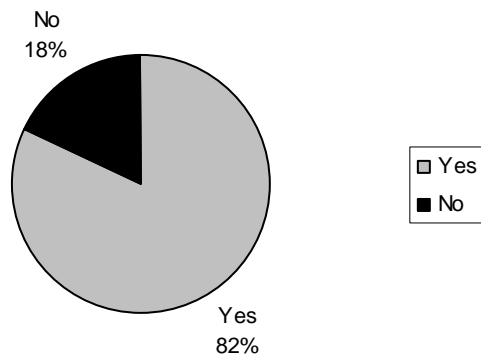
### 3. If Yes, how many employees?

The total number of probationary employees reported as supervised by the 35 respondents over the last 5 years was 127, with one supervisor indicating one employee included in the count is still on probation.

4. Out of the number indicated above, in your estimation, how many employees did you pass, how many did you fail?



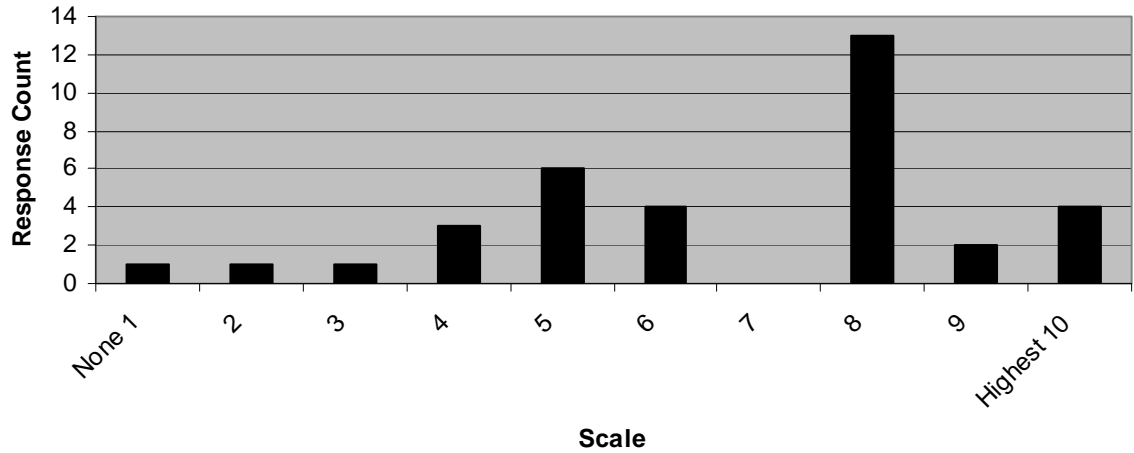
5. Would you consider the probationary period as the last phase of the hiring process?<sup>3</sup>



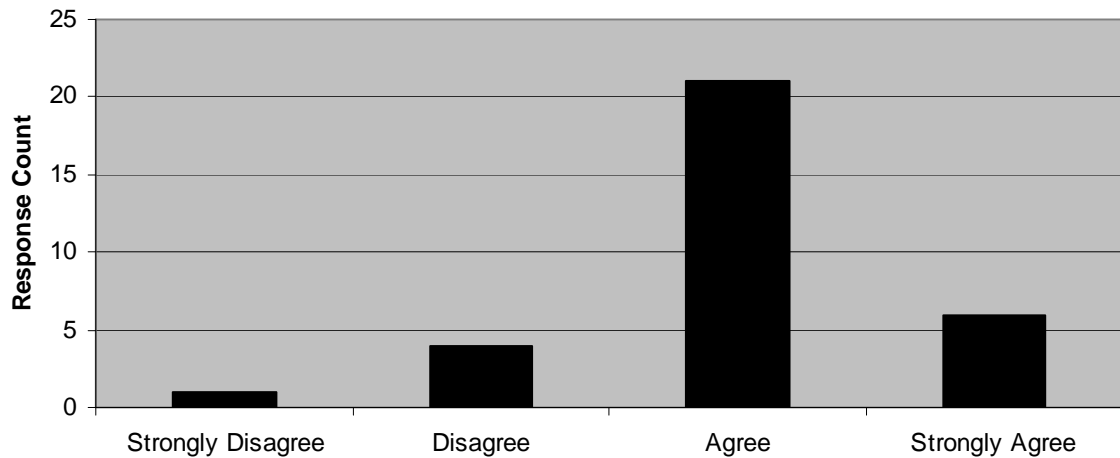
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<sup>3</sup> Out of 34 responses

6. On a scale from 1 to 10, please rate your familiarity with Caltrans “Guide to Supervising Probationary Employees”.

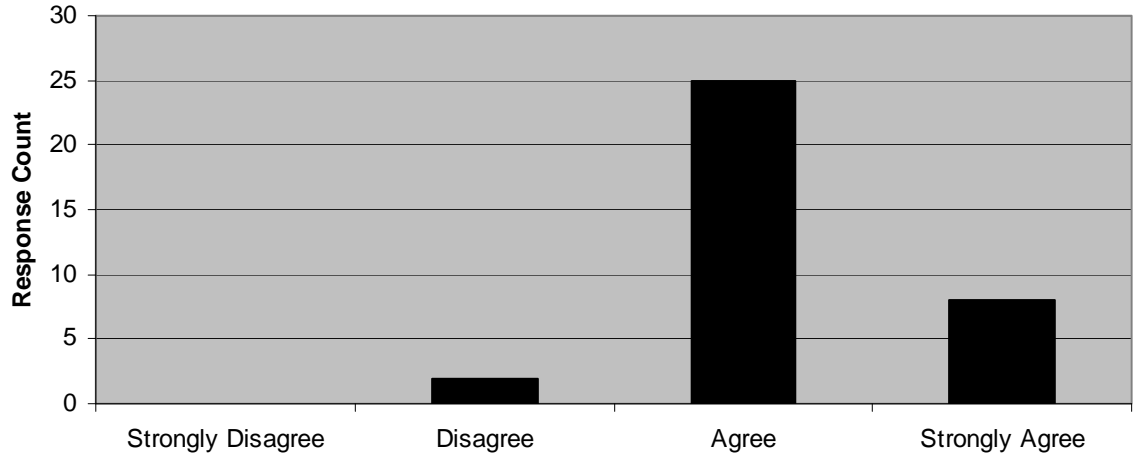


7. The “Guide to Supervising Probationary Employees” was last updated January 29, 1999 and needs to be updated.<sup>4</sup>

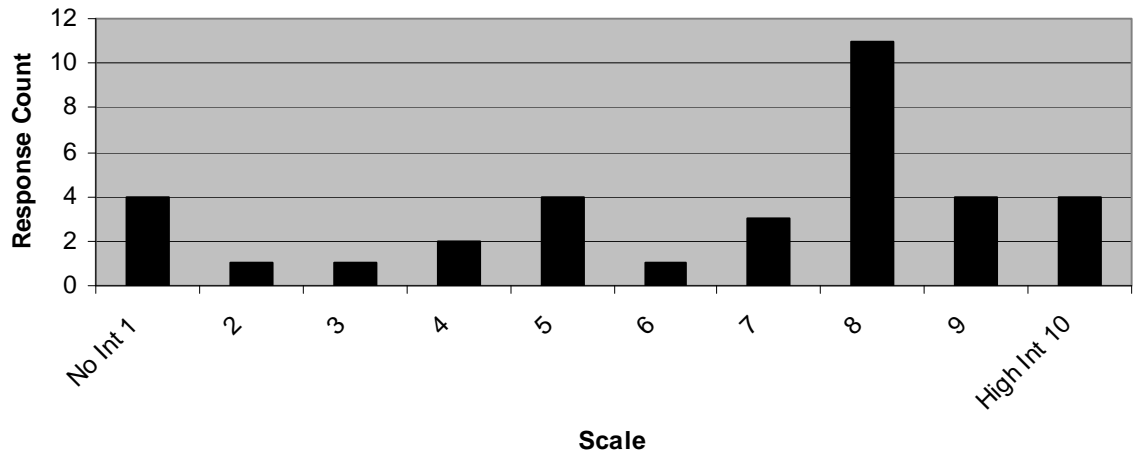


<sup>4</sup> Out of 32 responses

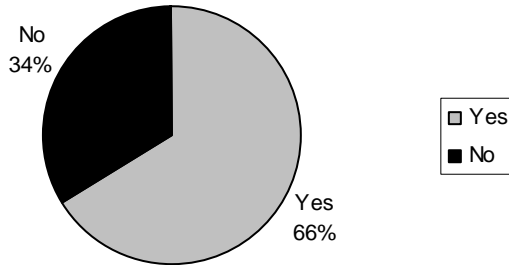
**8. Widespread input from Supervisors should be included in any future update.**



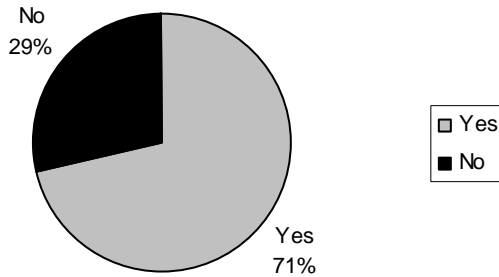
**9. On a scale from 1 to 10, how interested would you be in ad hoc training from Human Resources (HR) on Supervising Probationary Employees?**



**10. Have you ever contacted the Discipline Services Unit in HR with questions related to the probationary period, or to seek advice regarding serious employee performance problems?**

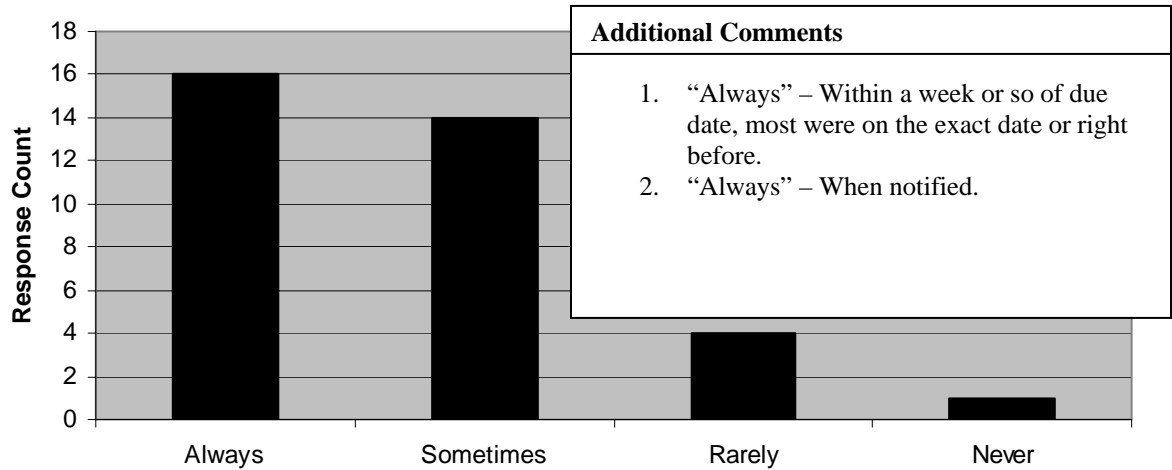


**11. Have you ever received a notice of “Probation Report Due Dates” from the HR Office of Transaction Services?**

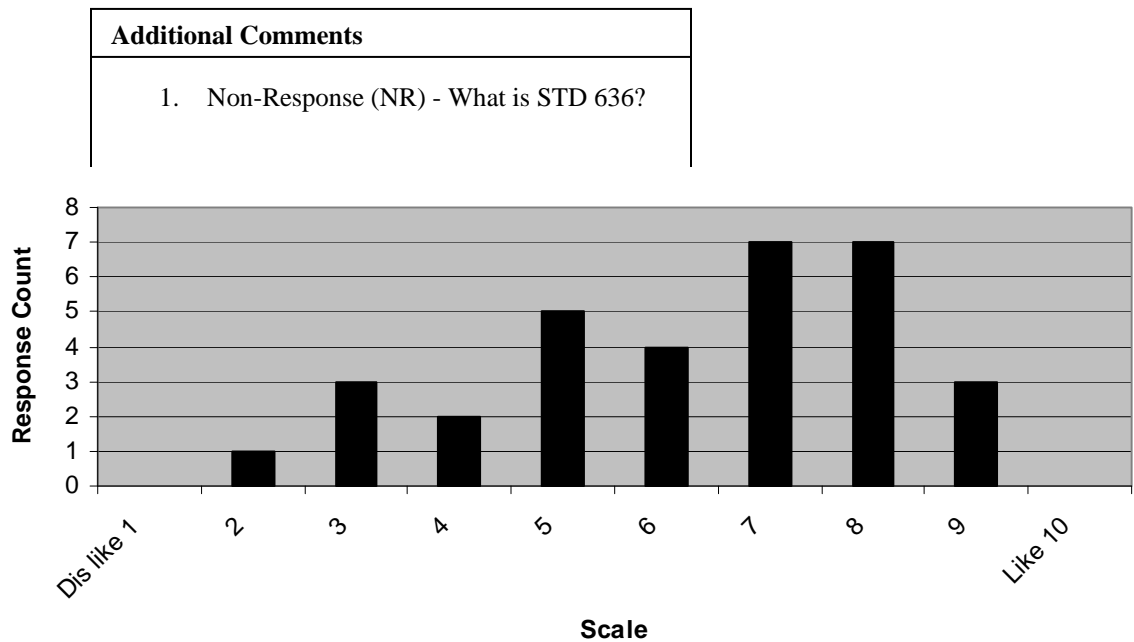


Additional Comments
<ol style="list-style-type: none"><li>1. “Yes” – Not sure if it’s the HR office or trans services. I get them from personnel in Fresno.</li><li>2. “Yes” – For some of the employees, not all.</li><li>3. “No” – Received probationary report form but not a notice of past due.</li><li>4. “Yes” – But not all probationary employees.</li></ol>

**12. Would you say you completed probationary reports according to the identified due dates?**



**13. On a scale from 1 to 10, please rate form STD 636.<sup>5</sup>**



**14. If you dislike form STD 636, why?<sup>6</sup>**

It is too generic, should be more specific to the classification.
Does not address specific job assignments.
Don't dislike, but each category should be commented on.

<sup>5</sup> Out of 32 responses

<sup>6</sup> Out of 12 responses

The 4 rankings are limiting there's no middle points or scale.
Doesn't account for all aspects of what's need[ed] to "rate" employees.
Form should have specific questions that could be answered to make more objective.
We need to remove the word inmate from the evaluation. I don't like the one size fits all.
Needs better more appropriate areas to access.
It can be broken down to further activities.
Does not provide usable areas to evaluate.
Form is limited in describing various functions of positions. Job responsibilities can be more generally by a longer narrative describing strengths and weaknesses.
Space after each qualification to write a statement would be better.

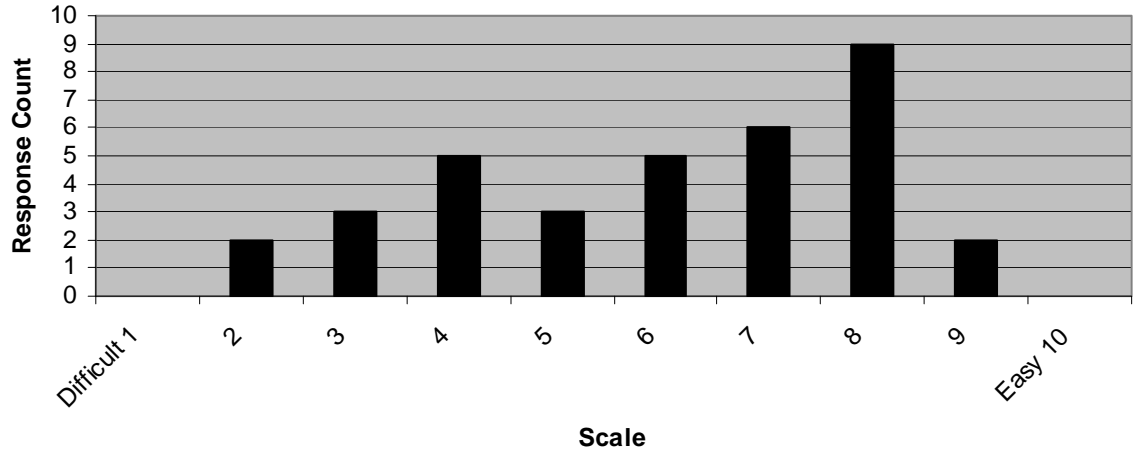
**15. On the contrary, if you like form STD 636, why?<sup>7</sup>**

I think it gives employees a fair amount of feedback regarding their performance.
Easy to complete, not a burden on supervisors.
It's standardized, but should allow sections for specific job duties.
Easy to complete.
Straight forward, easy to use.
It provides the supervisor the opportunity to review the basic job performance with the employee and discuss expectations.
Short.
If you read it closely it provides a lot of guidance.
Simple, to the point, good review process.
It prompts you to think about areas that you need to consider when rating an employee.
It is a reasonable guide to evaluate the individuals.
Easy to use.
Easy format.
It covers the essential probationary rating factors, has a range of ratings, and allows comments to the employee.
It targets all the areas an employee should strive to attain in order to be successful.
Simple to use and covers all areas of concern.
It is good enough.

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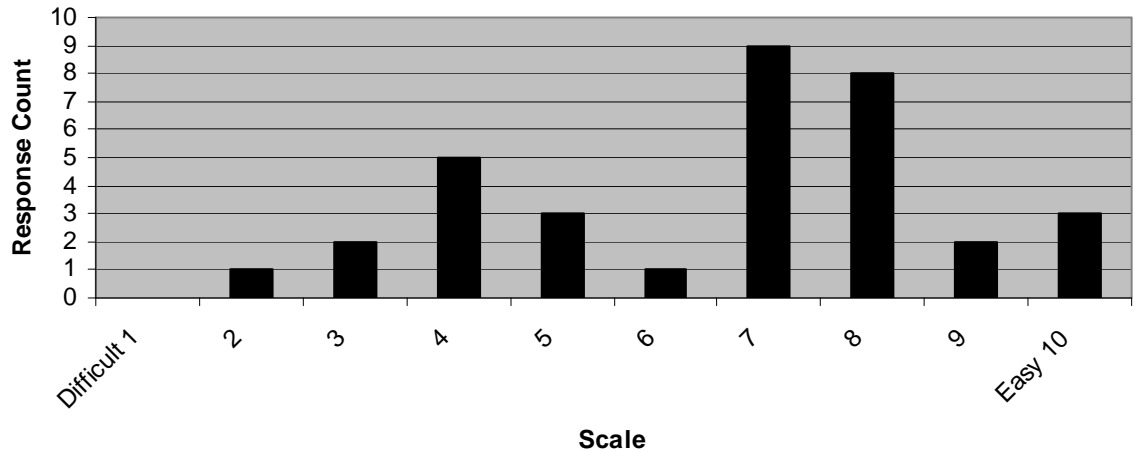
<sup>7</sup> Out of 17 responses

**16. On a scale from 1 to 10, how easy is it to monitor employee performance?**



**17. On a scale from 1 to 10, how easy is it to prepare for the performance appraisal?<sup>8</sup>**

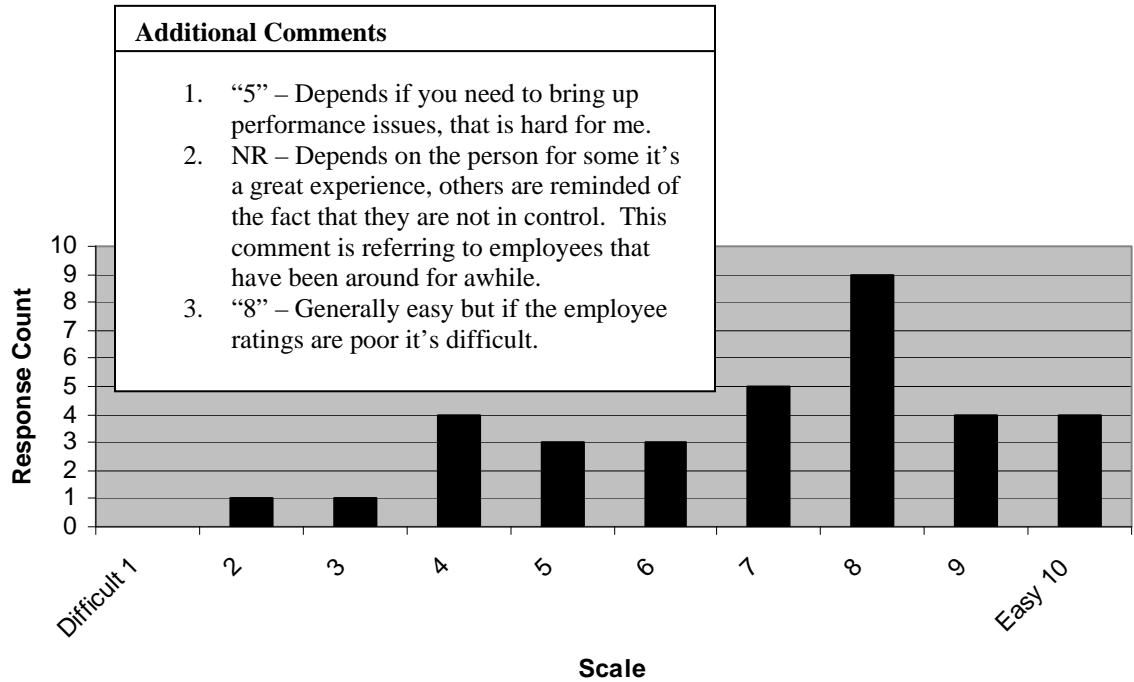
Additional Comments
1. NR – It's easy for a good employee, difficult for a poor one.



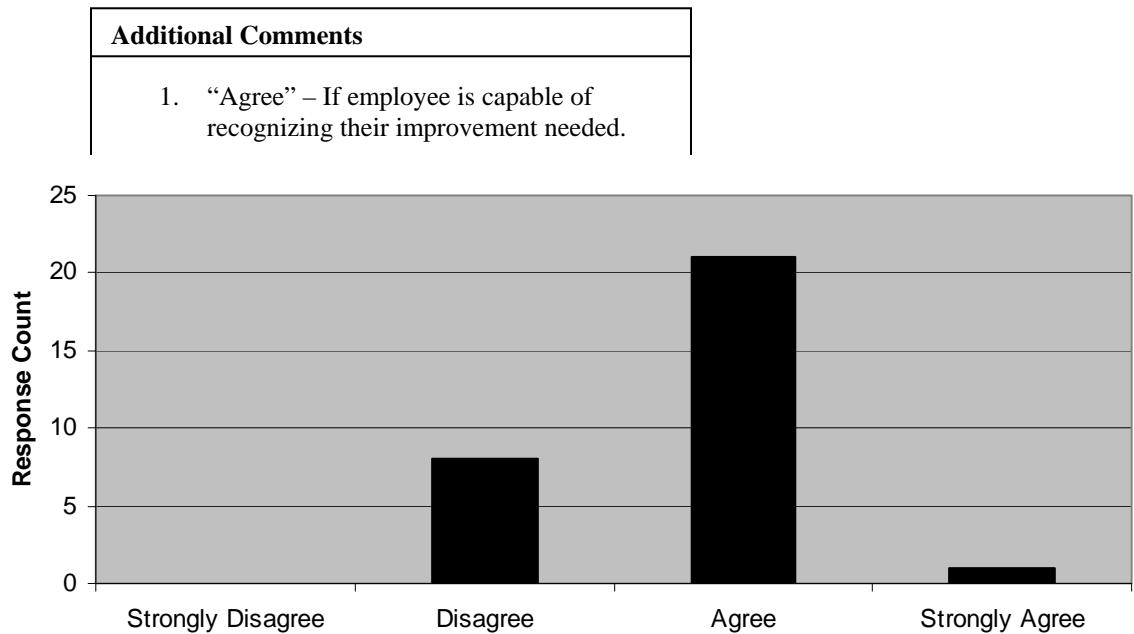
<sup>8</sup> Out of 34 responses



**18. On a scale from 1 to 10, how easy is it to conduct the performance appraisal meeting?<sup>9</sup>**



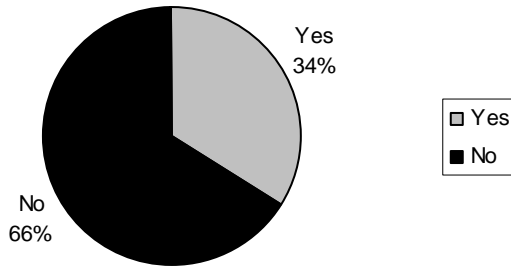
**19. Negative performance appraisals are effective at changing new employee behavior or performance.<sup>10</sup>**



<sup>9</sup> Out of 34 responses

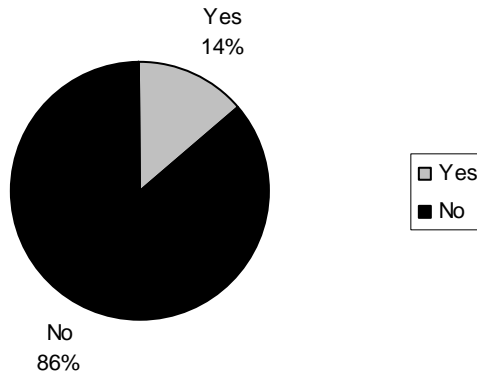
<sup>10</sup> Out of 33 responses, 3 were rejected due to errors, leaving 30 valid responses

**20. As a supervisor, have you ever wanted to take some kind of disciplinary action against an employee, only to find out that because performance appraisals were not completed on a timely basis or that Probationary Reports failed to document performance problems, no action could be taken?**

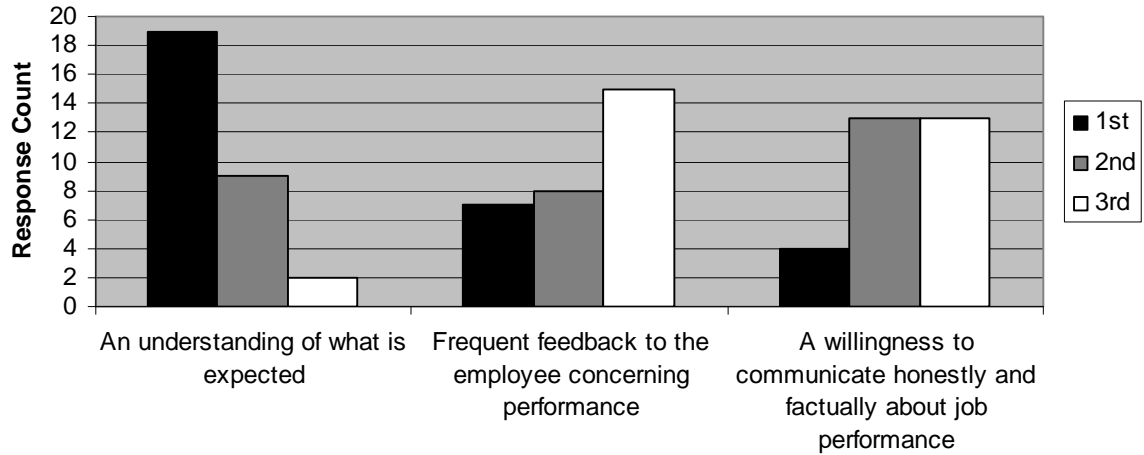


Additional Comments
1. "Yes" – Employee currently in branch when I took over not up to speed, but record of good appraisals?

**21. Have you ever heard of Government Code Section 19173?**



**22. On a scale from 1 to 3, with 1 being the highest, rank the following Essentials for Effective Performance Appraisals.<sup>11</sup>**

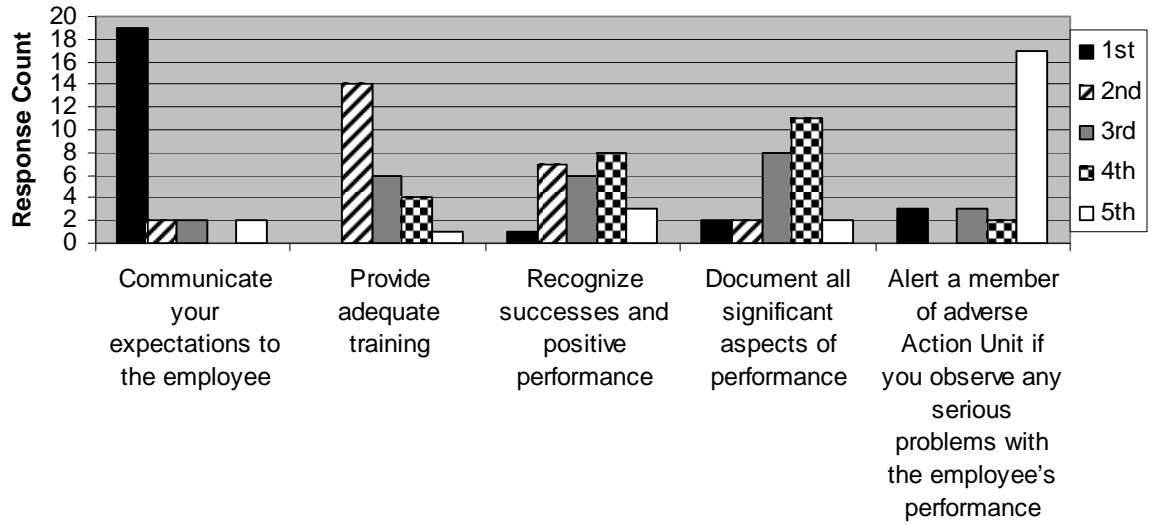


**23. On a scale from 1 to 10, how would you rate each of the following in contributing towards the creation of a positive work environment? (1=Low Contribution and 10=High Contribution)**

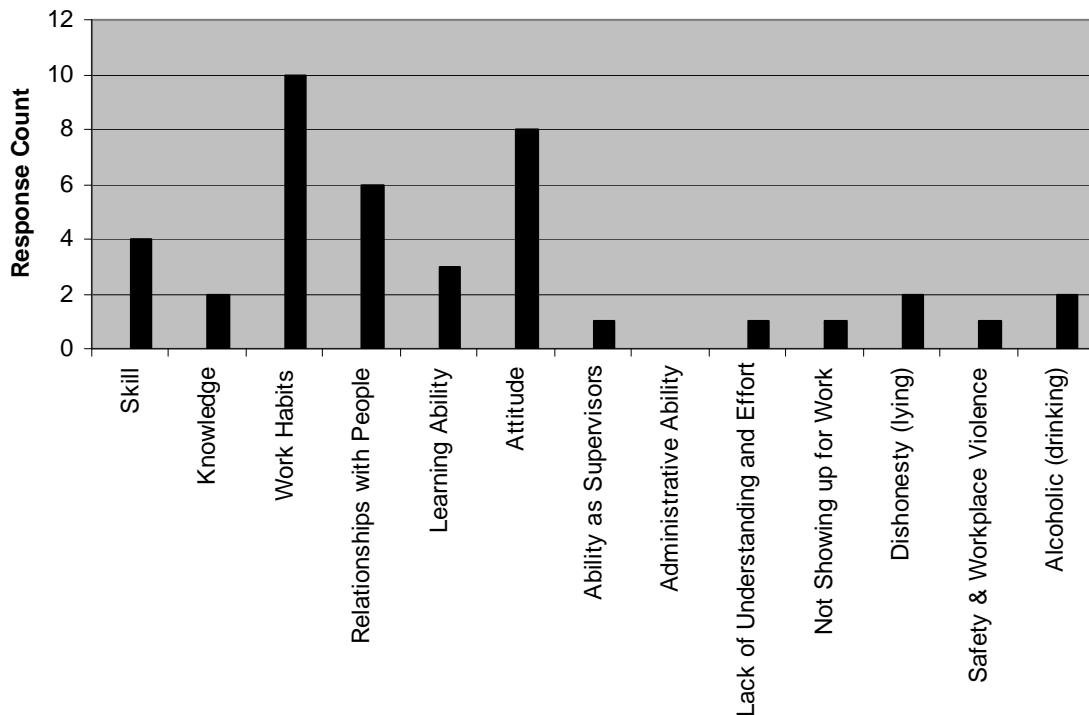


<sup>11</sup> Out of 35 responses, 5 were rejected due to errors, leaving 30 valid responses

24. On a scale from 1 to 5, with 1 being the most important, rank the following tools available to you as a supervisor of probationary employees.<sup>12</sup>



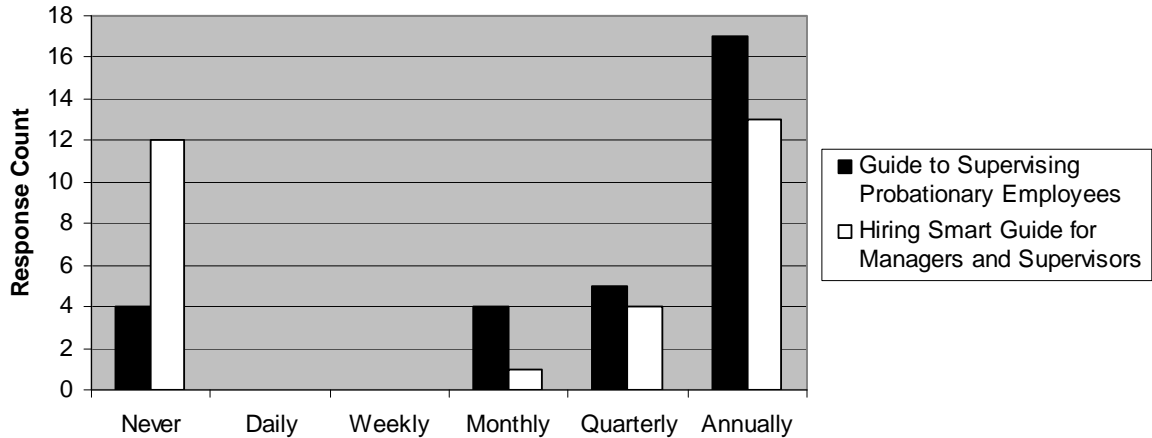
25. If you have rejected a Probationary Employee, what were the top 3 reasons or factors?<sup>13</sup>



<sup>12</sup> Out of 35 responses, 10 were rejected due to errors, leaving 25 valid responses

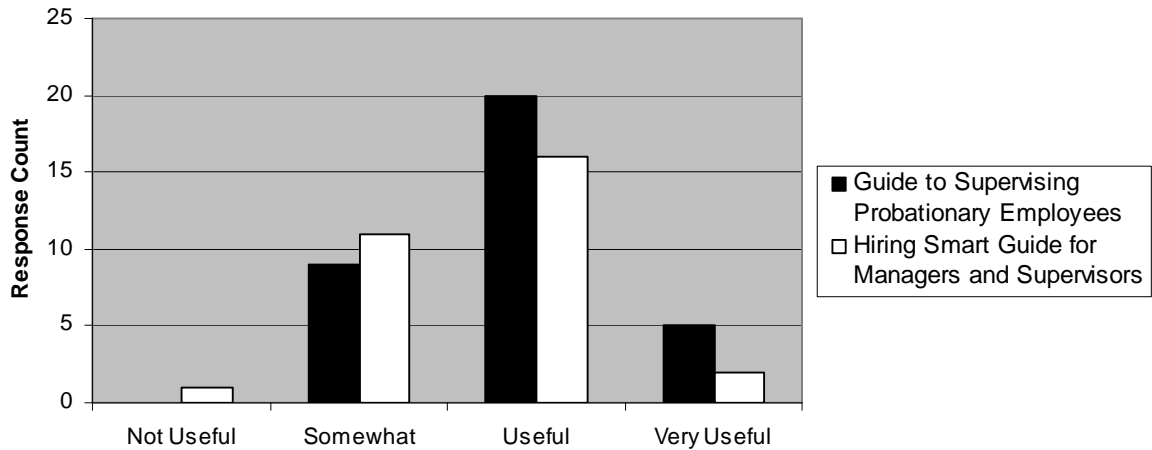
<sup>13</sup> Out of 15 responses

**26. How often do you use the following reference materials/publications?<sup>14</sup>**



Additional Comments
<ol style="list-style-type: none"> <li>1. "Monthly" – Various other super[visor] and leadership documents.</li> <li>2. "Annually" – MOU (Bargaining Unit).</li> <li>3. "Quarterly" – Guide to employee conduct and discipline</li> <li>4. I use these tools as necessary when positions are vacant and hiring is needed.</li> <li>5. "As needed" – If I don't have an employee on probation I don't use the guides.</li> </ol>

**27. Please rate the usefulness of these reference materials/publications.<sup>15</sup>**

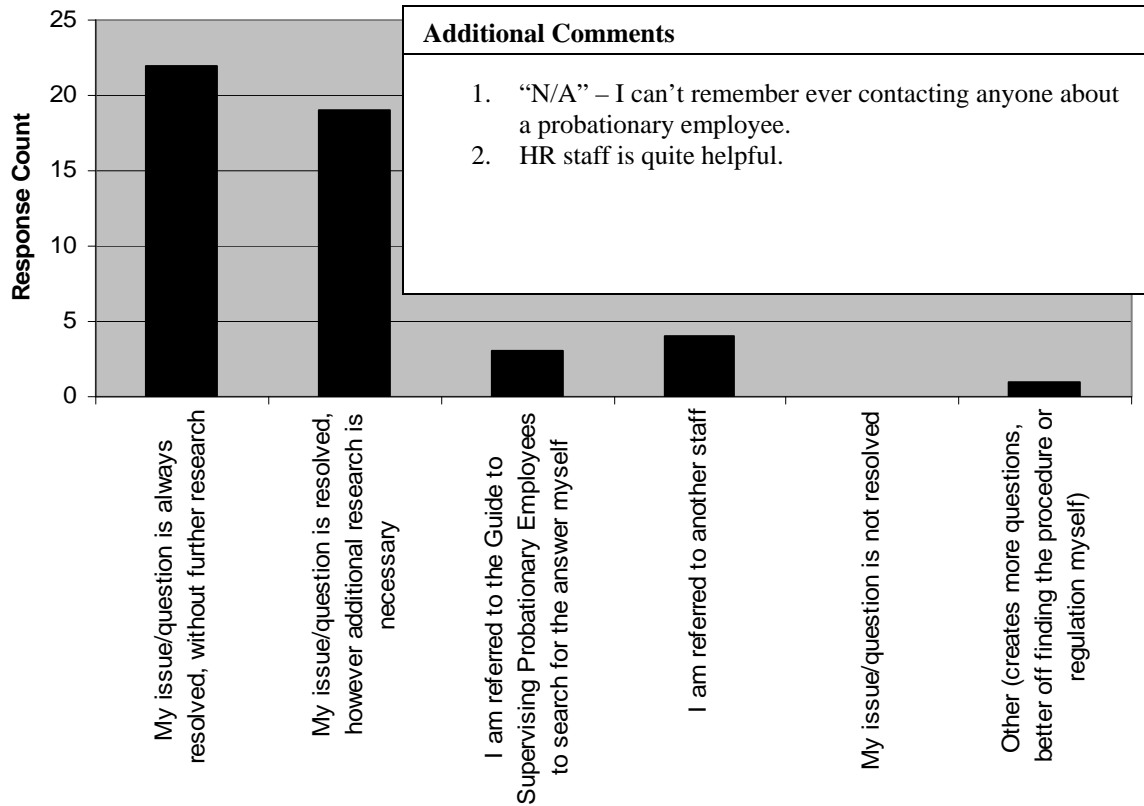


Additional Comments
<ol style="list-style-type: none"> <li>1. "Useful" – HR Dept.</li> <li>2. "Very Useful" – Bargaining Unit.</li> <li>3. Supervisors handbook not available online.</li> </ol>

<sup>14</sup> Out of 35 responses, 5 wrote in "As needed"

<sup>15</sup> Out of 34 responses for the Guide to Supervising Probationary Employees and 30 responses for the Hiring Smart Guide for Managers and Supervisors

**28. When contacting District and/or HQ staff with a question on the probation process, what is the most common result?<sup>16</sup>  
(Place an X next to the top 2, rank is not needed)**



**29. What can Caltrans do to better assist you with probationary employees?<sup>17</sup>**

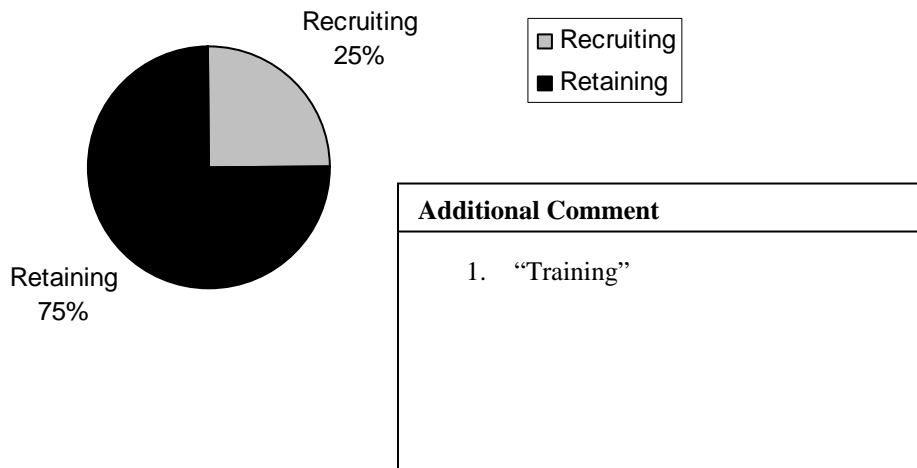
Use the interview process to screen applicants thoroughly.
Personnel should do better at initiation of reviewing the employees' rights and benefits, rather than leave it to each supervisor.
Sometimes its getting a good pool to choose from that's hard.
Better tools and training.
Provide manager mentors to help talk supervisors through the issues.
Possibly providing a 4 hour training class.
Hire the highest quality employees.
Better resource assistance.
Have someone available to interview the supervisor in regards to the probationary employee to make sure the supervisor is diligent about their report.
Longer probation period for some employees.
Set clear performance expectation to pass probation.
Scrape the process. Let us work like the outside world.
Periodic workshops.

<sup>16</sup> Out of 32 responses, 3 were marked N/A, leaving 29 responses

<sup>17</sup> Out of 23 responses

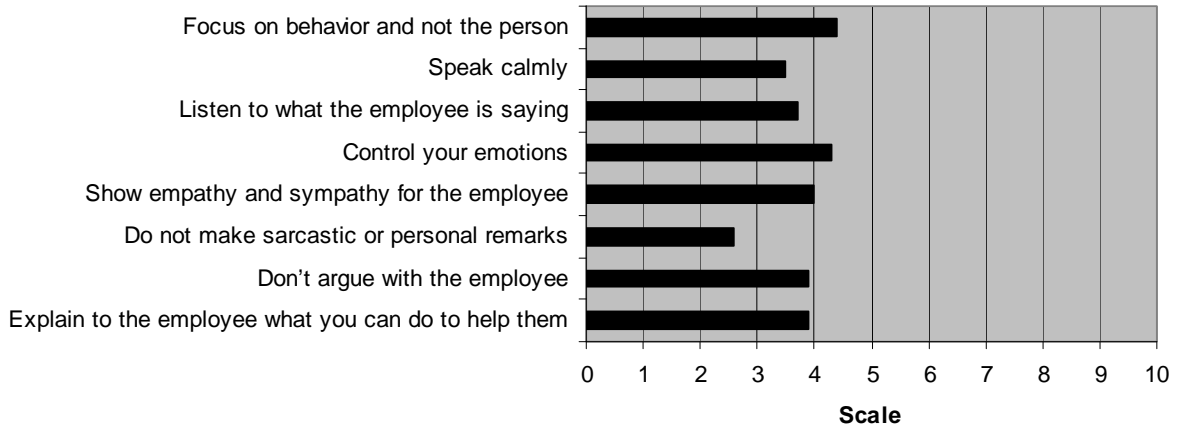
Speeding up the process.
Offer 1-2 hour training on key points to address when evaluating an employee. I think they actually do have this – I remember going to one.
Present system Ok.
Caltrans has provided all the resources. It is the responsibility of the supervisor.
Get more resources to get training for new employees and extend probationary period to 18 months.
Provide more training.
Come up with a more consistent approach and method of ranking throughout dept.
Better guidance on background checks.
Provide additional supervisory training.
Extend probationary period.

30. Complete the following sentence; I am more interested in Retaining or Recruiting a probationary employee.<sup>18</sup>

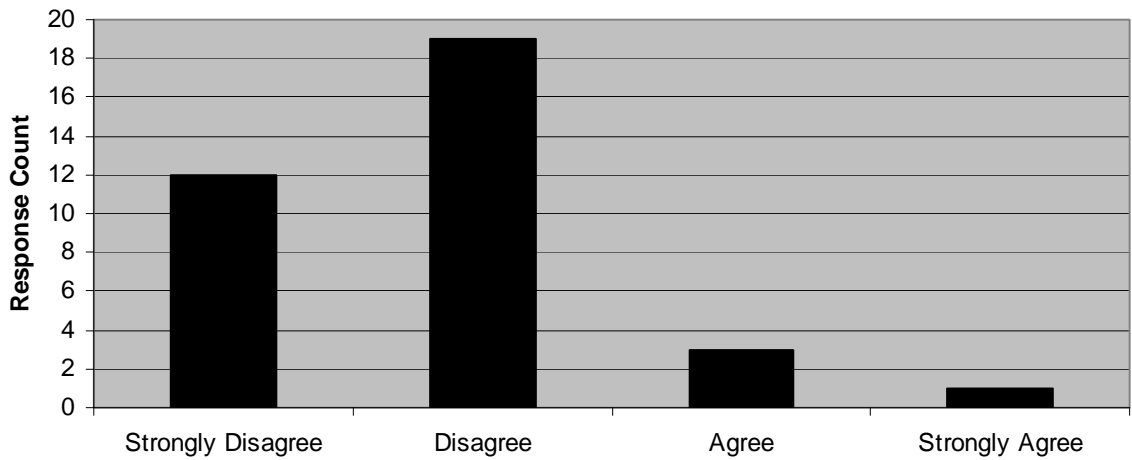


<sup>18</sup> Out of 33 responses

**31. On a scale from 1 to 10, with 1 being the least difficult, how difficult is it to do the following when giving a negative evaluation?**

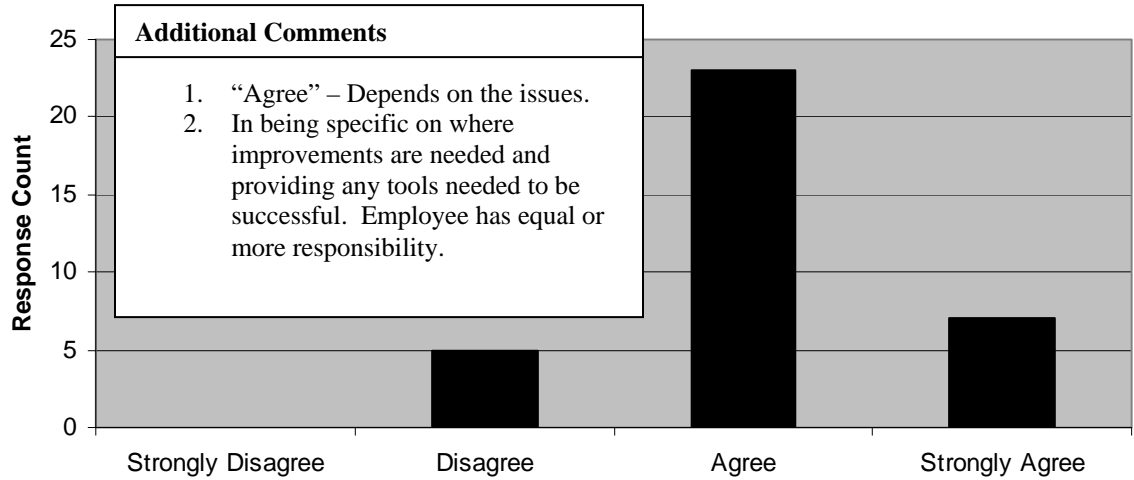


**32. It is entirely the supervisor's responsibility to ensure that the new employee achieves a "Standard" or higher rating on all evaluations during probation.**

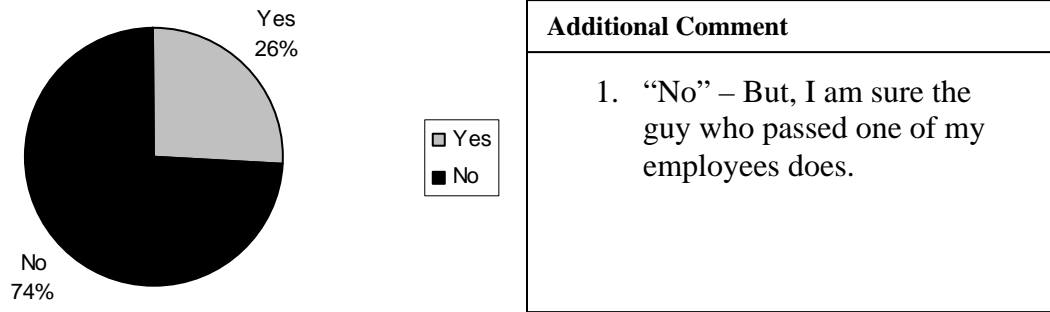




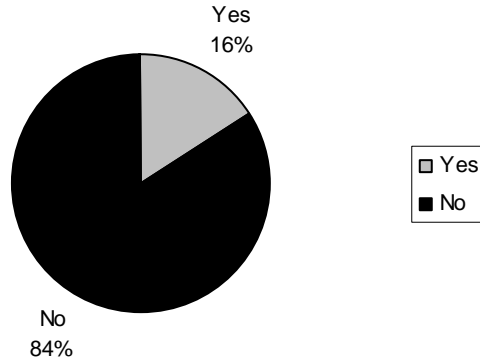
**33. If there are any “Improvement Needed” marks, the supervisor must take action.**



**34. Have you ever regretted passing a probationary employee?**

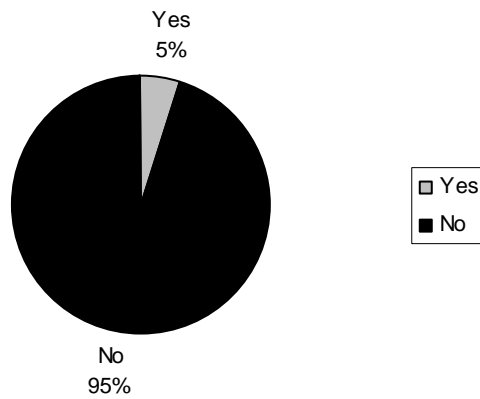


**35. In hindsight, if you'd have had more time to evaluate these employees, do you think you would have failed any of the probationary employees you passed?<sup>19</sup>**



Additional Comments
<ol style="list-style-type: none"><li>1. "Yes" – Maybe.</li><li>2. Need more time to focus on difficult employees and takes fortitude to take the time to do it.</li><li>3. Maybe.</li></ol>

**36. Similarly, in hindsight, if you'd have had more time to evaluate these employees, do you think you would have passed any of the probationary employees you failed?<sup>20</sup>**

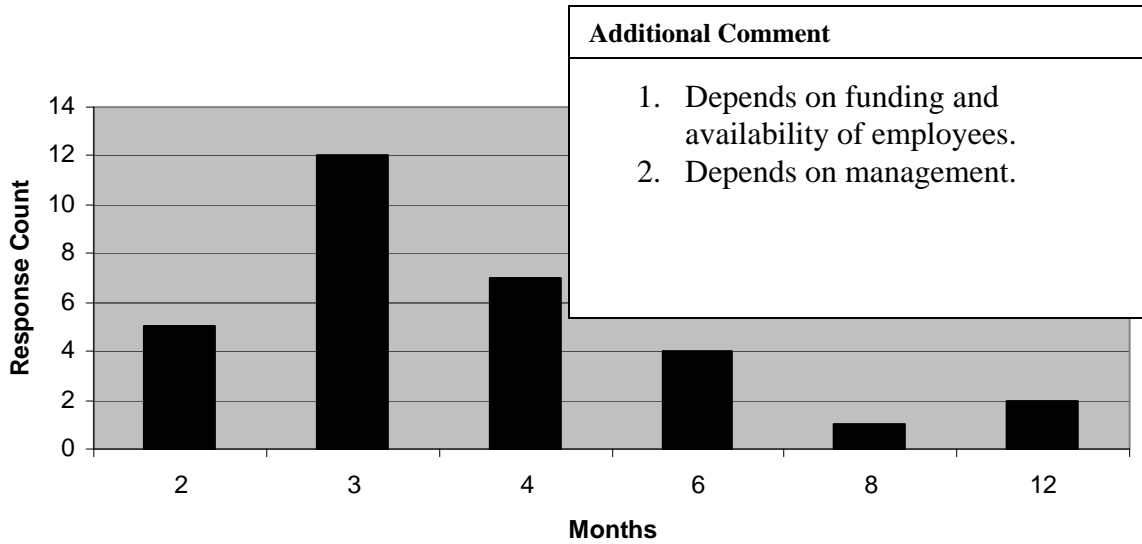


Additional Comment
<ol style="list-style-type: none"><li>1. "N/A" – Have never failed one.</li></ol>

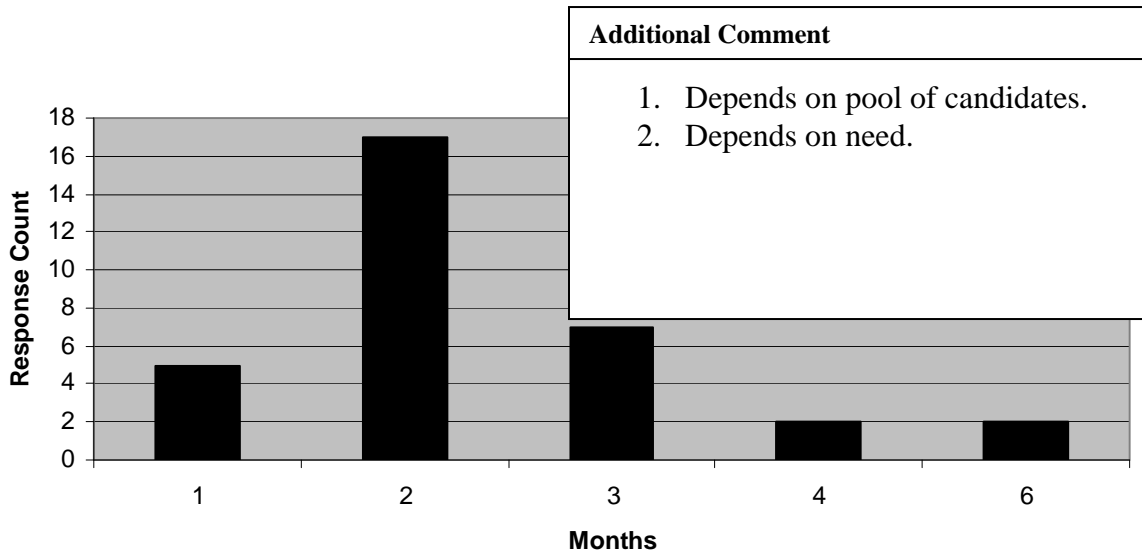
<sup>19</sup> Out of 33 responses

<sup>20</sup> Out of 20 responses

**37. When a new employee is rejected from probation, how long in your estimation would it take to fill the vacant position?<sup>21</sup>**



**38. What is an acceptable amount of time to fill a position?<sup>22</sup>**



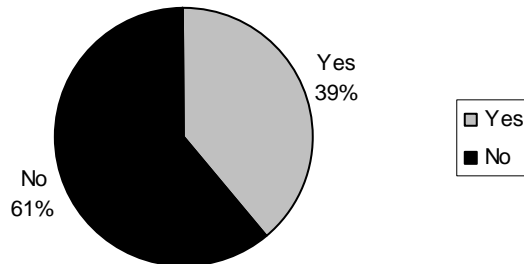
<sup>21</sup> Out of 33 responses

<sup>22</sup> Out of 33 responses

**39. Are there any obstacles you can identify that have prevented you from terminating a probationary employee?<sup>23</sup>**

If the reason for termination is not well documented and followed up on.
No, just need good documentation.
Phantom EEO complaints.
Union rep. / lot of documentation.
No documentation sooner, threat of harassment, discrimination charge
Instincts tell me they will be nothing more than a marginal employee at best but they do just well enough to be keep-able.
There is no standard expectation to fail or pass an employee's probation. It is at the discretion of the supervisor.
Yes, the process.
Hire freezes, not able to replace the employee if terminated.
Labor laws and supervisor should have more control or power to make final decision to get rid of problem employees.
Employee union.
Commitment from 1 <sup>st</sup> level supervisory to the top management.

**40. Would you be willing to be contacted for a confidential (your identity will be kept hidden) follow-up phone interview on this topic?<sup>24</sup>**



<sup>23</sup> Out of 12 responses

<sup>24</sup> Out of 33 responses

**41. Additional Comments?**

The problem with State employees is that some of employees with bad reputations shuffle around in different dept. but nobody takes firm stand to deal with problem employees.
Question # 2 is too restrictive! Some following Q's could not be properly responded because of the 5 year limit!
Supervisors should not be scrutinized so much for doing their jobs. A bad employee is so damaging to the office environment and morale. Supervisors did not give up their rights when they became supervisors.
My responses refer to my direct reports. There are several employees below that level that should not have passed probation, but documentation was not adequate or timely.

Finally, the summary of the Survey results presented here is subject to an important caveat: the results are drawn from the perspective of Caltrans D10 supervising personnel. From a validity standpoint, these respondents had self-interest in portraying supervisory practices in D10 positively as this was in part a reflection on their performance. That they did not do so uniformly, however, offers a measure of confidence to the survey findings. Still, in order to gain a truly representative picture, it will be important in any future research to take into account the perspectives of probationary employees and other interested groups.

**ANALYSIS AND CONCLUSIONS**

**Introduction**

In my analysis of the Survey results or Findings, I will attempt to interpret the results and touch on plausible meanings, making recommendations for improvement where appropriate.

## **Analysis and Recommendations**

Precisely 14% of supervisors indicated in the Survey that they have not completed the required 80 hours of supervisors' training. This could mean that some of these supervisors are still on probation themselves, or that they became supervisors prior to the requirement in State law that all new supervisors receive at least 80 hours of training within the term of their probations or one year of appointment (Little Hoover Commission, 1995). My recommendation to Caltrans would be to develop a way to track training progress. Caltrans could stay in compliance with existing law/policy by establishing a requirement that supervisors could not pass probation themselves unless 80 hours of supervisor training had been completed. A series of boxes representing training milestones could be established as an attachment to a supervisor's probationary report; in that way each probationary report turned in could be used as a progress report. DHR could then centrally monitor progress and the Division of Training could even use the data to better prioritize training distribution by need (what training is needed, where is it needed, and when is it needed by). If Caltrans established an online reporting tool for probationary reports, then due dates could be linked with email calendar reminders, and reports could be more quickly generated, and non-compliance could be more easily addressed.

During the last five years, 96% of the 127 supervised probationary employees may have become "Permanent" Civil Servants. This result indicates Caltrans could be more selective in the last phase of the hiring process, especially in light of the results of the Caltrans 2006 Employee Survey. If we are to provide quality services, we must continue to attract the best candidates for our vacant positions (Recruitment and

Retention Task Force, 2001). Caltrans should look at making the process of recruitment more selective by use of a rigorous screening and evaluation process.

The fact that 18% of supervisors do not consider the probationary period as the last phase of the hiring process, coupled with the fact that one out of every three supervisors indicated inadequate familiarity with Caltrans' "Guide to Supervising Probationary Employees" could mean Caltrans needs to bolster existing supervisor training. Caltrans could test the feasibility of a continuing education program that reminds supervisors of the importance of the probationary period as a part of the hiring process. Supervisors should be reminded to treat the probationary period as an extended job interview, and that their number one resource is the "Guide to Supervising Probationary Employees".

86% of supervisors indicated they have never heard of Government Code Section 19173, the State law covering the reasons to reject an employee on probation, even though it is referenced and covered under the FAQs section of the "Guide to Supervising Probationary Employees." This should be a concern to Caltrans.

When supervisors were asked "Does the Guide need to be updated?" 27 out of 32 thought so, with 33 out of 34 agreeing that widespread input from supervisors should be included in any future update. These responses taken together demonstrate a real opportunity for Caltrans to involve and engage supervisors in the probationary process.

Two thirds of supervisors indicated they have contacted the Discipline Services unit in DHR with questions related to the probationary period, or to seek advice regarding serious employee performance problems, yet collectively only 4% of probationary

employees may have been rejected over the last 5 years.<sup>25</sup> This could either mean supervisors are doing a great job with advice received and that they are correcting deficient behavior, or it could mean that supervisors are not following up in some way. Perhaps they're not documenting the behavior that prompted them to contact DHR in the first place, or that they are not taking these "early warning" performance problems into account in their final report or judgment of probationary employee merit.

At the start of the probationary period, Notice of "Probation Report Due Dates" are sent out by DHR Office of Transaction Services to each supervisor, with a copy of the form STD 636<sup>26</sup>. That 29% indicated they have never received this notice may indicate a problem; whether that problem lies with DHR, the mail delivery system, and/or the supervisor is unclear. Perhaps outgoing supervisors are not handing off these forms and information about the probationary employee to new or incoming supervisors. What could be interpreted as alarming is that over half of the supervisors whose responsibility it is to initiate the probationary reports indicated they don't always complete probationary reports by the due dates.<sup>27</sup> Additionally 34% have wanted to take some kind of disciplinary action but were not able to because performance appraisals were not completed on a timely basis and/or because Probationary Reports failed to document performance problems. My recommendation is for Caltrans to look at ways to effectively remind supervisors about due dates and support them in getting reports in on time, possibly through automatic email reminders or calendar entries.

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<sup>25</sup> Public Records Act Request, from fiscal year 2001-02 to 2006-07, only 188 of the Department's new hires, rehires and promotions were rejected during their probationary period, this is on average 32 per year. (Appendix F)

<sup>26</sup> The "Report of Performance for Probationary Employee" form (STD 636) may be accessed on Caltrans Electronic Forms (CEFS) at: <http://admin.dot.ca.gov/CEFS/>

<sup>27</sup> SPB Case No. 00-2927, an employee rejected during probationary period was reinstated, the "Notice of Rejection" during Probationary Period was not timely. (Appendix E)



Supervisors were nearly evenly divided in either liking or disliking the STD 636 probationary employee evaluation form, with a slight majority signifying they favor it. These results suggest that having such a form is a good idea, but perhaps the form needs to be evaluated and improvements should be considered.

Approximately one out of three supervisors indicated it is more difficult than easy to monitor employee performance and to prepare for and conduct the performance appraisals. Supervisors also indicated they find these tasks to be the most difficult when dealing with poorly performing employees. A common and recurring theme is that supervisors need more time to properly provide probationary employees with coaching and feedback.

What was startling is that over 10% of supervisors indicated that they've never used the Guide to Supervising Probationary Employees. Also surprising was the fact that over a third of supervisors indicated that they've never used the Hiring Smart Guide for Managers and Supervisors.

That 75% of supervisors indicated more interest in retaining probationary employees than in recruiting them, gives a warning that perhaps the probationary employee has already been hired in the mind of most supervisors, versus in the process of being hired. Caltrans should clarify to supervisors that the probationary period is the last phase of the hiring process. Probation is most effective when treated as an extended job interview and as part of a selective hiring process, rather than treating probationary employees as "Permanent" civil servants.

Only 4 out of 35 supervisors believe that it is entirely the supervisor's responsibility to ensure that the new employee achieves a "Standard" or higher rating on

all probationary evaluations. Conflicting with this is the fact that 30 out of 35, indicated they agree they must take action if there are any “Improvement Needed” marks. So they must take action, but it is not their responsibility? The use of the word “entirely” may be causing the conflicting results, supervisors most likely expect the probationary employee to share in the responsibility of achieving a standard rating. If the supervisor is held completely responsible, the probationary report has less to do with the employee’s performance than with supervisor’s competence in training a new employee and their availability of time to effectively do so.

Fully 26% of supervisors indicated some level of regret with passing a probationary employee; furthermore, 16% indicated that, given more time to evaluate these employees, they probably would have failed some of the probationary employees they eventually passed. This could be an indication that supervisors are not finding adequate time in their busy schedules to supervise and thus effectively evaluate probationary employees, so that at the end of the probationary period, they do not feel confident the right decision has been made. Inadequate documentation of poor employee performance is a consequence of not having enough time to properly supervise. It is not unexpected that 95% of supervisors indicated that with more time to evaluate failed employees, they think they would have failed them again.

Survey respondents generally believed that, when an employee is rejected from probation, it would take three months to fill the vacant position; they also indicated that two months would be a more acceptable timeframe. Caltrans should support supervisors by looking for ways to streamline the hiring process, and by reducing the time it takes to refill vacant positions. Supervisors have a valid fear of vacant positions; they know from

experience that much of the workload will fall on them until they are able to backfill the empty position. For this reason, supervisors might be hesitant to reject a sub-par probationary employee. Streamlining the hiring process could help support supervisors in proceeding with compelling rejections, and could also help foster hiring selectivity.

It is important to note that supervisors identified several obstacles that have prevented them from terminating probationary employees. I recommend Caltrans respond to the lack of documentation obstacle by providing supervisors with the time and resources they need to supervise probationary employees. Similarly, when a supervisor takes the time to document why a probationary employee should be rejected, I recommend that Caltrans should support that supervisor's decision, making every attempt to protect the supervisor from fear of reprisals in the form of harassment and discrimination complaints. In a 1994 case, the Department of General Services sued SPB because it provided a hearing to an employee who had been rejected at the end of probation. General Services successfully argued in court that the law does not entitle probationers to a hearing (Little Hoover Commission, 1995). This reinforces the idea that the burden of proof is on the employee during probation; however, that burden shifts to the supervisors after an employee has passed probation, so Caltrans needs to support supervisor decisions as early on in the process as possible. As a precaution, Caltrans should ensure that supervisors are trained in the whole range of progressive discipline skills designed to help salvage employees worth saving and to prevent arbitrary and capricious terminations (Walters, 2002). I further suggest that Caltrans seriously consider providing resources in the way of temporary support staff, so that supervisors are not pressured to pass the employee simply to avoid a spike in their workload. The

consequence is best illustrated by a comment on “Hiring freezes”, where if you have a probationary employee and would not be able to replace the employee if rejected or terminated, rejecting the probationary employee then is not an option.

## **Conclusion**

As we move into the twenty-first century, there are no indications that the high performance expectations citizens and politicians place on government agencies will subside. The “more for less” approach seems firmly entrenched in the country’s psyche. Public administrators operating in this environment continually feel pressured to find ways to improve performance. Since many of our government’s performance problems are “people problems,” HR has become a primary target for reform. Given California’s inability to enact civil service reform, yet given the need for workforce accountability, especially in the face of an economic downturn, the State should look inward and focus on enforcement of existing policy on probation as a real way to help solve this problem. By being selective in the hiring process, over time, we can transform the quality of the civil service system. With help from Caltrans each supervisor can, by their individual hiring decisions at the end of the probationary period, ensure that Caltran’s workforce remains competitive and staffed with quality employees.

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