



Ending Probationary Periods

News

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Craig Annunziata was quoted in *Human Resources Executive Online* on June 16, 2015. The article “Ending Probationary Periods” discussed how some labor attorneys are encouraging companies to eliminate probationary periods for employees because they can jeopardize their at-will employment status and may cause other serious legal ramifications for an organization.

While speaking at an HR conference last month, Craig asked roughly 50 HR professionals in the quick-service restaurant industry a question: How many use probationary periods for new employees? He said almost 70 percent raised their hand.

According to Craig and other employment attorneys, employee probationary periods in non-union environments aren’t necessary, create nothing but confusion and can jeopardize a company’s at-will employment status, resulting in courtroom battles.

Apparently, many lawyers and HR consultants are still in the dark. The majority of Craig’s new clients, whether their revenues exceed \$100 million or \$1 billion, still offer probationary periods. He points to one new client that consulted with a big Chicago law firm last year when revising its employee handbook. After opening up the handbook, he said one of the first sentences he read stated, “All employees are on a 90-day probationary period.”

“No one has told them not to do it,” said Craig. “[Probationary periods] are potentially going to impair your at-will relationship. Why would you ever [risk] that?”

So far, he said, he has not heard of any recent lawsuits triggered by probationary periods. Still, Craig added, “. . . You want to do everything you can regarding your [HR] policies and statements to employees to maintain the at-will employment status. It just takes one plaintiff’s lawyer to tag a company for a verdict, [and] then all the plaintiff lawyers jump on it.”

To read the full article, please visit [*Human Resources Executive Online*](#).

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