

Administrative Regulation

Classified Employment, Probationary Period of

The probationary period is the final and most job-related portion of the examination process. It is the basis for attaining permanence in a classification in the classified service. In the case of an already permanent classified employee, the probationary period may either be: the basis for attaining permanence in a new classification, after being hired from a promotional eligibility list; or a trial period following transfer or demotion into a classification in which the employee has not previously completed a probationary period. Failure to successfully complete a probationary period is not considered a disciplinary action and the employee shall not be accorded the rights provided under Section 4236 et seq. of these regulations, unless otherwise provided in Section B.

A. Duration of Probation

A new employee appointed from an eligibility list shall serve a probationary period of six months or 130 working days, whichever is longer, in one class before attaining permanency in the classified service. An employee who has been promoted shall serve a probationary period of six months or 130 working days, whichever is longer, in the higher class before attaining permanency in that class. Credit toward completion of the probation shall be granted only for service in regular positions in the class after appointment from the eligibility list.

For those classes designated by the Commission as executive or administrative, the probationary period shall be one year or 260 working days, whichever is longer before attaining permanence in the class, the classified service, or both.

Under unusual circumstances, if the probationary employee requests, the probationary period may be extended for a maximum of (2) two additional months upon mutual agreement of the principal/department head and with concurrence of the personnel director.

Credit shall not be given for time served under emergency, substitute, or provisional appointment nor while the employee is absent from work for 10 or more consecutive working days. The probationary period may be terminated at any time during the scheduled period of probation.

B. Rights of Probationary Employees

Probationary employees shall be told the duties and responsibilities of their position and informed of any other identifiable criteria against which they shall be measured and evaluated.

Probationary employees shall have their performance evaluated in accord with Regulation 4225.2.

A new employee who is suspended or dismissed for violation of administrative rules and regulations, Sections 4236.1(E) 1-27, during his/her initial probationary period shall be notified (Notice of Disciplinary Action) of the action taken and the charges against him/her. He/she shall not have the right of appeal and shall be rejected as an applicant for future job openings [Administrative Regulation 4220.1(C)].

A new employee who is to be released (Failure of Probation) during his/her initial probationary period shall be notified of the action taken and shall receive a Notice of Probationary Release. He/she shall not have the right of appeal. No person released from a position during probation shall again be certified in the same class for a period of one year after the date of release except upon approval of the department head under whom service was rendered. The employee's status on other eligibility lists shall not be affected.

A permanent employee who is suspended or dismissed or demoted to other than his/her former class during a probationary period retains full rights of appeal (Administrative Regulation 4236.3).

A permanent employee who has vacated a position to accept a promotion to a position in a higher class, and who is rejected during the probationary period, shall be demoted to a position in the employee's former class and may exercise "bumping rights."

A permanent employee who is rejected (Failure of Probation), during his/her probationary period may request the personnel director conduct an administrative review of the probationary failure as follows:

1. The employee making the request shall state in writing the reasons he/she believes the probationary rejection to be improper. The written request must be received in the personnel office within ten (10) working days of notification of the probationary failure.

2. The personnel director shall review with the supervisor the rationale for the probationary failure and the procedures followed.
3. If the personnel director determines the employee's concerns to be valid, necessary changes to ensure a thorough and a proper probationary evaluation shall be instituted.
4. The personnel director shall inform the probationary employee and his/her supervisor in writing of the administrative review decision.
5. The probationary employee may appeal the administrative decision of the personnel director to the Personnel Commission. The appeal process shall be conducted as follows:
 - a. The appeal is made in writing and is received within seven calendar days following receipt of the notification letter.
 - b. The appeal is based upon a charge that the rejection constitutes a violation of law or misapplication of the rules of the Personnel Commission, or that the reasons for rejection are inconsistent with the facts; the facts supporting such a charge shall be clearly set forth in the appeal.
 - c. After receipt of a timely written appeal, the Commission shall set a date for review at which time the evidence shall be considered, and the Commission will render a decision. The decision shall be transmitted in writing to all concerned and shall be final.

A permanent employee who voluntarily demotes to his/her former classification, while serving an initial probationary period in a higher classification, shall be placed on the same salary range, step, and anniversary date as if the promotion had not occurred. Upon request, the employee's name shall be restored in proper rank to the eligibility list. This action shall not extend the life of the eligibility list nor the period of the employee's eligibility.

A new employee who resigns in good standing during his/her initial probationary period shall, upon request, have his/her name restored in proper rank to the eligibility list. Such action shall not extend the life of the eligibility list nor the period of the employee's eligibility.

If the work for which a probationary employee has been appointed proves temporary instead of permanent and the employee is laid off before the probationary period is completed, the employee's name shall be restored to the eligibility list and the time served shall be credited toward the next probationary period in the same class.

Ref: EC Sections 45301, 45305, 45260, 45261

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