

The Probationary Period

All employees should be informed in writing of the applicable probationary period prior to the start of the probationary period. Notice should also be given at this time of the requirement that the probationary period will be extended by the number of days the probationer is absent or does not perform the duties of the position. (*PRR Rule 5.2.1(a)(b)*). The employees are to be given their tasks and standards and on the job training.

Length of Probation

- *Length of Probation For Appointments from Open Competitive Lists*

All employees appointed from open competitive lists or promotion lists, must serve a **one-year probationary period**. If immediately prior to permanent appointment to a title, an employee has served in that title and particular job assignment in the same agency on a provisional or temporary basis for that title, the employee's probationary period shall be reduced by an amount equal to the time previously served in the provisional or temporary job assignment immediately preceding the appointment, but in no case shall such probationary period be reduced by more than nine months.

- *Length of Probation For Appointments from Promotion Lists*

For employees appointed from promotion lists, the promotion probationary period may be waived by the agency at the time of promotion, or the balance may be waived at any time during the probationary period. (*PRR Rule 5.2.4.*) For employees appointed from promotion lists, the probationary period is not required if immediately prior to the permanent promotion, the employee had served on a provisional or temporary basis in the same promotion title for a continuous period equal to or greater than the probationary period for that title. (*PSB Rule 200-6R, A2bi; PRR Rule 5.2.2.*) Should a promoted employee fail to successfully complete their probationary period, the employee must be restored to a position in their former title. (*PSB Rule 200-10*)

- *Length of Probation For Non-Competitive Appointments*

The probationary period for non-competitive appointments is **one year**. *PRR Rule 5.2.1.b*) Completion of the probationary period does not grant the non-competitive employee permanent tenure. Non-competitive employees not serving in policy making and/or confidential capacities gain Section 75 disciplinary rights after a period of **five years** within the same title.

Extension of the Probationary Period

The probationary period will be extended by the number of days the employee is absent or does not perform the duties of the position. However, at least one month prior to the completion of the regular probationary period, the agency must notify the employee in writing that the employee's probationary period will be extended. (*PSB Rule 200-6R; PRR Rule 5.2.8.*) The notice should include a specific fixed period of extension. The employee must give written consent for the extension. Upon written request, Citywide Personnel Services may authorize an extension of the probationary period for one or more additional periods totaling no more than six months.

Termination during the Probationary Period

If an employee is terminated during their probationary period they will have due process rights only if they have not yet completed the **minimum period of probation** set (three-months in the Staff Analyst title). However, a probationary employee who has completed the minimum period of his or her probationary period may be terminated at any time prior to the end of his or her probation, without prior notice or hearing. The agency does not have to give such employees a reason for dismissal other than unsatisfactory probationary period.

Staff Analyst Trainees

Staff Analyst Trainees will not be required to serve a one-year probation in the title of Staff Analyst. After successfully completing the two-year training period as a Staff Analyst Trainee, they will become permanent civil service Staff Analysts.

Serving Probation After Transfer or Change in Title

- ***Voluntary Transfer to Different Agency (Same Title)***
If the employee completed the probationary period in the original agency, they will not need to serve another probationary period in the new agency. They are permanent employees and will serve no probation.
- ***Involuntary Transfer (Functional Transfer or Transfer to Avoid Layoff)***
No new probationary period is required. A probationary employee who is transferred involuntarily will be credited for the period of time already served on probation and will complete the balance upon transfer.

Probationary Period upon Demotion or Reassignment

An employee who is demoted or reassigned to a formerly held title, in which they have formerly completed the probationary period, will not have to serve a new probationary period in that title.

Probationary Period for Reinstated Employee

An employee who is reinstated or appointed from a preferred/recall list will not have to serve a new probationary period if they have already completed the probationary period for that title. Employees recalled who did not complete their probationary period must complete the remaining portion.

Probationary Period for Employees Restored to Eligible List after Separation

- **Restored after Voluntary Separation**

If rehired by the same agency, an employee who was on probation at the time of their voluntary separation from the City, will have the amount of their probationary period already served deducted from the length of their remaining probationary period upon being restored to the eligible list. If rehired by a different agency, the employee will be required to serve the full period unless the agency agrees to credit previous probation served. (*PSB Rule 200-6R.d5; PRR Rule 5.2.6.*)

- **Restored after Involuntary Separation**

An employee who was terminated while serving their probationary period may be restored to the eligible list at the discretion of Citywide Personnel. Such an employee will be required to serve a new full probationary period. (*PSB Rule 200-6R.d6*)

Probationary Period after Leave of Absence

If during the probationary period, an employee takes a leave of absence to serve in another position within the City, the period of service in the new position may, in the discretion of the agency, be counted towards completion of the probationary term. Notice must be sent before the one-year anniversary of the probationary appointment. (*PSB Rule 200-6R*)

What to ask when a Probationary Employee is facing possible Termination

- **Did they receive their tasks and standards?**
- **Do they have any issues concerning time and leave?**
- **Did they have any supervisory conferences?**
- **Did they have any counseling sessions?**
- **Had there been any warnings issued?**
- **Had there been an extension of the probation?**
- **Did management have knowledge of any EEO complaints?**
- **Did management know of any reasonable accommodation requests?**

“Our members fall into three civil service categories. The first group is the permanent competitive class civil servants. They obtained their job by way of an exam and are generally well protected from layoffs. The second group is non-competitive permanent civil servants and they also have some protection from layoffs. Our third group of members are provisional, temporary competitive class civil servants and they are most vulnerable to layoffs.”

- Bob Croghan

**Source: Personnel Service Bulletins (PSBs)
and
Personnel Rules and Regulations (PRRs)
~see attached~**