

Rule 117

Probationary Period

Applicability: Rule 117 shall apply to employees in all classes who started work in a permanent civil service status on or after March 16, 1998; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

- Sec. 117.1** **Requirement for a Probationary Period**
- Sec. 117.2** **Definition of Probationary Period**
- Sec. 117.3** **Appointments Subject to the Probationary Period**
- Sec. 117.4** **Extension of the Probationary Period to Obtain License or Certificate**
- Sec. 117.5** **Credit for Probationary Period**
- Sec. 117.6** **Successive Probationary Appointment**
- Sec. 117.7** **Report of Completion of Probationary Period**
- Sec. 117.8** **Voluntary Resumption of the Probationary Period**
- Sec. 117.9** **Release of Employee During the Probationary Period**

Rule 117

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Sec. 117.1 Requirement for a Probationary Period

117.1.1 Any person appointed to a permanent civil service position shall serve a probationary period.

117.1.2 Nothing in these provisions is intended to infringe upon or restrict the authority of an appointing officer in releasing a probationary employee as provided in these Rules.

Sec. 117.2 Definition of Probationary Period

The probationary period is defined as:

117.2.1 The final and most important phase of the selection process and is to be used for evaluating the performance of an employee in the position to which appointed; and

117.2.2 A period of regularly scheduled hours worked, excluding any time off for leave, vacation, other types of time off (not including legal holidays), or overtime.

Sec. 117.3 Appointments Subject to the Probationary Period

A probationary period is required for all of the following types of permanent appointments:

117.3.1 Appointment from an eligible list;

117.3.2 Appointment following layoff or involuntary leave when the appointment is to a class and/or department other than the one from which laid off, or when a probationary period has not been previously served in the class and department;

117.3.3 Appointments by transfer to a position in the same class in another department, status transfer under the status rights of Americans With Disabilities Act provisions of these Rules, or technological transfer;

117.3.4 Reappointment of resignees;

Sec. 117.3 **Appointments Subject to the Probationary Period (cont.)**

- 117.3.5** Reinstatement at the request of the employee to a permanent position in a former class in a department other than a department in which the probationary period had been completed in this former class;
- 117.3.6** Advancement from a part-time position to a full-time position except if the employee had previously served a probationary period in a full-time position in the same class in the same department;
- 117.3.7** Reversion by a promotive probationary employee to a position in a former class in which the probationary period has been completed, except if the employee has previously served a probationary period in the same department in that class.

Sec. 117.4 **Extension of the Probationary Period to Obtain License or Certificate**

An appointing officer, with the approval of the Human Resources Director, may extend the probationary period of a probationary appointee for up to a maximum of twelve (12) calendar months in order to allow the employee time in which to obtain required licenses and/or certificates.

Sec. 117.5 **Credit for Probationary Period**

- 117.5.1** Time served while on leave of absence to serve under exempt, temporary civil service, or provisional appointment under the same appointing officer in another class during the probationary period may be counted toward the completion of the probationary period for the class from which leave was granted. Appointing officers shall notify the Department of Human Resources in writing of such appointments.
- 117.5.2** An appointing officer may credit as probationary time served, an employee's prior full-time service in a permanent position in the same class, excluding probationary time. Such credits shall not exceed one-half (1/2) of the required length of the probationary period.
- 117.5.3** An appointing officer may credit periods of limited-term transfer toward the completion of the probationary period as provided in the transfer provisions of these Rules.

Sec. 117.6 **Successive Probationary Appointment**

With the approval of the Human Resources Director, an appointing officer, with the concurrence of the employee, may renew the employee's probationary period. The Human Resources Director shall establish the administrative process and procedures for accomplishing such successive probationary appointments.

Sec. 117.7 **Report of Completion of Probationary Period**

The appointing officer shall notify the appointee and the Department of Human Resources on the form, and in the manner prescribed by the Human Resources Director, upon completion of an appointee's probationary period.

Sec. 117.8 **Voluntary Resumption of the Probationary Period**

117.8.1 When agreed upon by an appointing officer and an employee, and with the approval of the Human Resources Director, a permanent employee past the probationary period may voluntarily agree to serve a new probationary period in lieu of the department dismissing the employee.

117.8.2 The duration of the resumed probationary period shall not exceed six (6) calendar months.

117.8.3 During this resumed probationary period, should the employee fail to abide by the terms and conditions of the probationary period set by the department, subsequent action may be taken.

117.8.4 This resumed probationary period is subject to all terms and conditions of a probationary period as provided elsewhere in these Rules.

Sec. 117.9 **Release of Employee During the Probationary Period****117.9.1** **Authority and procedures for release of probationary employee.**

1) An employee may be released by the appointing officer at any time during the probationary period upon written notice to the employee and the Human Resources Director.

2) Consistent with these Rules and subject to the approval of the Commission, the Human Resources Director shall establish and promulgate procedures for administering and processing the release of probationary employees.

Sec. 117.9 Release of Employee During the Probationary Period (cont.)**117.9.2 Release of probationary employee for disciplinary reasons.**

- 1) If the release of a probationary employee is for disciplinary reasons, a determination of the employee's future employability shall be as provided in this section.
- 2) The decision on future employability reached through the procedures established under these Rules shall be final and shall not be subject to reconsideration.
- 3) The Executive Officer shall establish and promulgate the administrative process and procedures including the time frame for filing requests for future employability hearings.

117.9.3 Reversion to Former Class - Released Promotive Probationary Employee.

- 1) Except if the release is for disciplinary reasons and subject to approval of the Human Resources Director, an employee released during a promotive probationary period shall revert to a position in the class from which promoted. If necessary, displacements in the former class shall occur.
- 2) Except for reasons beyond the control of the Commission or the Human Resources Director, reversion of a released promotive probationary employee shall be accomplished not later than thirty (30) days from the effective date of the employee's release.
- 3) The Human Resources Director shall establish and promulgate the administrative process and procedures for the reversion of a released promotive probationary employee.