

Civil Service Rule VIII: Working Test

Section 1. Working Test:

Every person appointed to a permanent or career seasonal position in the classified service after certification of his name from an eligible list shall serve a working test period of probation while occupying such position, which shall be considered a part of the test of fitness; provided, however, that employees who have served in the same position in a temporary or limited-term appointment prior to such certification may, upon the recommendation of the appointing authority and the approval of the Director, have this prior service considered as part of their working test period. Persons on reemployment from layoff eligible lists who are returned to their former position or to a position with the same class title under the same appointing authority shall return to duty with permanent status and will not be subject to a new working test period of probation.

Section 2. Duration of Working Test:

The period of such working test period shall commence immediately upon entrance to the position and continue until the conclusion of the working test period. The normal length of the working test period shall be six (6) months. Shorter or longer working test periods may be established for individual cases or for certain classes. In no instance will working test periods be shorter than three (3) months, and extensions may be granted up to a total working test period of eleven (11) months. The appointing authority should request an extension of the working test period if additional time is needed to observe the employee's performance. Such requests must be submitted in writing to the Director within thirty (30) days of the end of the established working test period.

Section 3. Interruption of Working Test:

(a) If an employee is laid off during the working test period and subsequently reappointed by the same appointing authority to the same class of position, he shall be given credit for the portion of the working test period previously completed.

(b) If an employee is transferred during his working test period from a position under one appointing authority to a position under another appointing authority, the second appointing authority may, if he wishes, permit the granting of credit for the portion of the working test period previously completed, or request a new working test period from the effective date of the transfer.

Section 4. Evaluation of Employee Performance During Working Test Period:

At such times during the working test period and in such manner as the Director may require, the appointing authority shall report to the Director his observation of the employee's work, and his judgement as to the employee's willingness and ability to perform his duties satisfactorily, and as to his habits and dependability.

Section 5. Removal of Employee During the Working Test Period:

(a) At any time during the working test period after completion of the first thirty (30) days of such period, the appointing authority may remove an employee if, in the opinion of the appointing authority, the working test indicates that such employee is unable or unwilling to perform the duties of his or her position in a satisfactory manner or that the employee's habits, dependability, and willingness to undertake and learn the duties of the position do not merit his or her continuance in the service. Upon such removal, the appointing authority shall immediately report to the Director and to the employee removed the action and that the employee has failed the working test period.

(b) Limitation on number removed during working test period: No more than three (3) persons shall be successively removed from the same position during their working test periods without the approval of the Director.

(c) An employee in the competitive service during the first thirty (30) days of service may be removed for just cause, or for reasons that are set forth in Rule IX, Section 3 of these rules, or for abandoning their position, provided in the latter case that they have not reported for at least seven (7) days.

Section 6. Retention of Employee After Working Test Period:

Within thirty (30) days of the expiration of the employee's working test period, the appointing authority shall notify the Director, in writing and in the form designated by the Director, either:

(a) that the services of the employee were satisfactory and that the employee will continue in the position;

(b) that the services of the employee were unsatisfactory and that the employee will not continue in the position; or

(c) that the appointing authority wishes an extension of the working test period and will continue the employee in the position for an additional period not to exceed eleven (11) months from the date of appointment; if the extension is granted, a copy of such notice shall be given to the employee.

Upon approval by the Director of a favorable report, the appointment of the employee shall be deemed to be complete at the expiration of the working test period and the employee shall be deemed to be a regular permanent employee, subject to removal only on the basis of merit and fitness and need for the continued services rendered by the position. Failure by the appointing authority to give such notice to the Director within thirty (30) days of the termination of the working test period shall have the same force and effect as affirmative action on the part of the appointing authority in granting to the employee permanent status in the position and the Director shall so notify both the employee and the appointing authority.

Section 7. Restoration to Employment List:

If any employee is removed from his position during the working test period, and the Director determines that he is suitable for appointment to another position, his name may be restored to the list from which it was certified. If such employee was a regular employee with permanent status in another position in the classified service immediately prior to his appointment, and was appointed to the new position as a result of a promotional examination, he shall be restored to his original position, or to a position in the same class that is under the appointing authority prior to promotion, even if it is necessary to lay off the person who is currently occupying the position or a person occupying the same class of position, provided they would not have been laid off if they had remained in their original position.

Section 8. Term Employment:

Whenever it is determined that a vacancy exists in a position which will exist for a limited period of time only, but in excess of one year, the Director shall certify to the appointing authority as eligible for appointment the names of such eligibles as may be on an appropriate eligible list in the same manner as described in Rule VII, Section 3, part (a) of these Rules. Such names shall represent the highest six eligibles who are willing to work for a limited term.

(a) Status. Any employee appointed to a term position in the classified service shall serve in a working test as defined in Rule VIII. After successfully passing a working test period they shall have right of appeal to the Commission from any personnel action except for reason of termination upon expiration of term of position. They shall also have the right to compete in promotional examinations as prescribed by Rule VI.

(b) Transfer Eligibility. Term employees are eligible for transfer to permanent positions in the same class when approved vacancies exist under such regulations the Director may prescribe. Transfer to permanent position under a different appointing authority shall be in accordance with the provisions of Rule VII.

(c) Appointments. Appointment to a term position shall be made from such eligible list as the Director may prescribe.

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