

Probationary Terms are as follows:

Non-competitive class appointment: Eight (8) to fifty-two (52) weeks
Exempt class appointment: Eight (8) to fifty-two (52) weeks
Labor class appointment: Eight (8) to fifty-two (52) weeks

Competitive Class Appointments:

Open-competitive list: Eight (8) to fifty-two (52) weeks
Promotional list: Eight (8) to fifty-two (52) weeks
Trainees: Twelve (12) to fifty-two (52) weeks
Correction Officer: Twelve (12) to fifty-two (52) weeks
Firefighter: Twelve (12) to seventy-eight (78) weeks
Deputy Sheriff/Police Officer: Twelve (12) to seventy-eight (78) weeks

Transfers:

Within Same Civil Division: Eight (8) to twenty-six (26) weeks
Between Civil Divisions: Eight (8) to twenty-six (26) weeks

RULE XIII
PROBATIONARY TERM

1. Probationary Term
 - a. Except as otherwise provided in these rules, every permanent appointment from an **open-competitive list** and every permanent appointment to a position in the **non-competitive, exempt or labor class** shall be for a probationary term of not less than **eight (8) nor more than fifty-two weeks (52)**.
 - b. The probationary term for a **Trainee** position, in which an appointee is required to serve a specified training term, shall be **not less than twelve nor more than fifty-two (52) weeks**.
 - c. The probationary term for **Fire Fighter** positions shall be **not less than twelve (12) weeks nor more than seventy-eight (78) weeks**. The probationary term for **Police Officer and Deputy Sheriff** positions shall be **not less than twelve (12) nor more than seventy-eight (78) weeks**. Every Police Officer's and Deputy Sheriff's permanent appointment shall not become permanent unless the person served satisfactorily and has satisfied such requirements as may be applicable under Section 209q of the General Municipal Law (Required Training). The probationary term for **Correction Officer** positions shall be **not less than twelve (12) nor more than fifty-two (52) weeks**.
 - d. Every permanent appointment from a **promotion eligible list** shall be for a probationary term of **not less than eight (8) nor more than fifty-two (52) weeks**. Upon written notice of the appointing authority the probationary period upon promotion may be waived and the appointee given a permanent appointment.

- e. An appointment shall become permanent upon the retention of the probationer after his/her completion of the maximum period of probation or upon earlier written notice following completion of the minimum period of probation that his/her probationary term is successfully completed. A copy of such notice shall be sent to the Personnel Officer.
- f. If the conduct or performance of a probationer is not satisfactory, his/her employment may be terminated at any time after the completion of the minimum period of probation, and on or before completion of the maximum period of probation in the manner as prescribed in these rules.

2. a. **Transfers to Positions in the Same Civil Division**

Every transfer from a position to another in the same civil division shall require a probationary term of **not less than a minimum of eight (8) weeks nor more than twenty-six (26) weeks**. If the conduct or performance of the probationer is not satisfactory, employment in such position may be terminated at any time after the completion of the minimum period of probation, and on or before the completion of the maximum period of probation.

b. **Transfers to Positions Under Different Appointing Authorities in Different Civil Divisions**

Every transfer from a position in one civil division to a position in another civil division shall require a probationary term of **not less than a minimum of eight (8) weeks up to a maximum of twenty-six (26) weeks**. If the conduct or performance of the probationer is not satisfactory, employment in such position may be terminated at any time after the completion of the minimum period of probation, and on or before, completion of the maximum period of probation. The Personnel Officer shall advise the prospective transferee in writing prior to approval of the transfer that an eight (8) to twenty-six (26) week probationary term is required and must be successfully completed to obtain permanent status in the position to which transfer is sought. The prospective transferee shall be advised it is his/her responsibility to request a leave of absence from the releasing agency. Unless the prospective transferee obtains a leave of absence, the releasing agency is not required to hold a position to return to should the probationary period not be successfully completed.

c. Waiver

The appointing authority having jurisdiction over the position to which transfer is sought, may elect to waive the probationary term in (2a) or (2b) by written notification to the transferee and the Personnel Officer.

3. Restoration to Permanent Position

When a permanent employee is promoted or transferred to a position in which he/she is required to serve a probationary term, the position thus vacated by him/her shall not be filled, except on a contingent permanent or temporary basis, during such probationary term. At any time during such probationary term the employee shall have the right to return to his/her previous position at his/her own election. If the conduct or performance of the probationer is not satisfactory, he/she shall be restored to his/her former permanent position at the end of his/her probationary term.

4. Absence during Probationary Term

Any periods of authorized or unauthorized absence aggregating up to 10 work days during the probationary term, may, in the discretion of the appointing authority, be considered as time served in the probationary term. Any such periods of absence not so considered by the appointing authority as time served in the probationary term, and any periods of absence in excess of periods considered by the appointing authority as time served in the probationary term pursuant to this subdivision shall not be counted as time served in the probationary term. The minimum and maximum periods of the probationary term of any employee shall be extended by the number of work days of his/her absence which, pursuant to this subdivision, are not counted as time served in the probationary term. If absences are not to be counted as time served, the appointing authority shall notify the probationer in writing of this fact prior to the expiration of the probationary period.

5. Report on Probationer's Service

The appointing authority and supervisor of a probationer will carefully evaluate the probationer's work performance of the duties and responsibilities of the position. A probationer whose services are to be terminated for unsatisfactory service shall be given written notice prior to such termination and, upon request, shall be granted an interview with the appointing authority or his/her representatives.

6. Restoration to Eligible List

A probationer whose employment is terminated or who resigns before the end of his/her probationary term may request that his/her name be restored to the eligible list from which he/she was appointed, provided such list is still in existence. His/her name may be restored to such list if the Personnel Officer in his/her discretion determines that the probationer should be given a second opportunity for appointment.

7. Temporary, Provisional or Contingent Permanent Service in Higher Level Position

When an employee who has not completed his/her probationary term is appointed on a temporary, provisional or contingent permanent basis to a higher level position, the period of temporary, provisional, or contingent permanent service rendered by such employee in the higher level position may, in the discretion of the appointing authority, be considered as satisfactory probationary service in his/her lower position and may be

counted as such in determining the satisfactory completion of the probationary term. At any time after the expiration of the minimum period of the probationary term, or the entire probationary term if it be one of fixed duration, the appointing authority shall, on request of such probationer, furnish his/her decision in writing as to whether or not service in such higher level position shall be considered as satisfactory probationary service. In the event of an adverse decision by the appointing authority, such probationer at his/her request, shall be returned to his/her lower position for sufficient time to permit him/her to complete his/her probationary term. The employment of such a probationer in his/her lower position shall not be terminated at the end of his/her probationary term on account of unsatisfactory service unless he/she shall have actually served in such position, in the aggregate, at least the minimum period specified for such probationary term, or the entire probationary term if it be one of fixed duration.

8. Removal during Probationary Term

Nothing contained in this rule shall be construed to limit or otherwise affect the authority of an appointing authority pursuant to Section 75 of the Civil Service Law, or applicable negotiated disciplinary procedures, at any time during the probationary term, to remove a probationer for incompetency or misconduct.

9. Probationary Term Upon Reinstatement

- a. An employee who is reinstated to a position after a separation of more than one (1) year, either in his/her former jurisdiction or in another jurisdiction shall serve a new probationary period in the same manner and subject to the same requirements as apply upon an original appointment to such position as prescribed in these rules.
- b. An employee who is reinstated to a position after a separation of less than one (1) year in an agency other than the one in which he/she formerly served, shall serve a new probationary term in the same manner and subject to the same requirements as apply upon an original appointment to such position as prescribed in these rules.

10. Leave of Absence for Police Supervisors

Notwithstanding any other provision of these rules, if a Police Officer is promoted to a higher rank for which he/she has met all requirements of eligibility for permanent promotion except training requirements applicable under Section 209q of the General Municipal Law, he/she shall be deemed to be on leave of absence from the lower rank position from which he/she was promoted pending completion of such training. During such period, such lower rank position may not be filled except on a temporary or contingent permanent basis. In the event of his/her failure to successfully complete such training within the time allowed therefor, he/she shall be restored to such lower rank position.