

Buffalo & Erie County Public Library

PERSONNEL POLICIES AND PROCEDURES MANUAL

SUBJECT: Probationary Periods

CHAPTER: IV

SECTION: 3

EFFECTIVE DATE: 1/81

REVISION DATE: 6/06, Modified for the B&ECPL effective 1/1/15

I. STATEMENT OF POLICY

Rule XIII of the Rules for Classified Civil Service states:

"Except as otherwise provided, every permanent appointment to a permanent Competitive Class position from an open competitive or promotional list and every original appointment or promotional appointment to a position in the Non- Competitive or Labor Class, shall be for a probationary term of not less than eight (8) nor more than twenty-six (26) weeks".

This applies to all full-time, regular part-time, and competitive class part-time positions. Contingent permanent appointments to competitive class titles are also subject to the standard probationary term of not less than eight (8), nor more than twenty-six (26) weeks.

II. GUIDELINES

A. Completion/Termination of Probationary Period

1. An appointment shall become permanent upon the retention of the

probationer after his/her completion of the maximum period of service (26 weeks) or upon earlier written notice to the probationer following successful completion of the minimum period of service of his/her probationary term (8 weeks). A copy of such notice shall be sent to Human Resources.

2. 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 service and on or before completion of the maximum period of service, in the manner prescribed.

B. Report on Probationer's Service/Counseling

1. The probationer's supervisor shall carefully observe his/her conduct and performance and shall report thereon in writing to the appointing authority. The supervisor shall also, from time to time during the probationary term, advise the probationer as to his/her status and progress.
2. If the supervisor observes problems with the probationer's job performance, he/she should counsel the probationer in a timely manner, in order to give the probationer sufficient opportunity to improve his/her performance. This counseling should include providing specific information about the performance deficiencies and what needs to be done to meet performance standards and providing the probationer with the appropriate resources to improve his/her performance. A written record of counseling(s) should be maintained.

3. If the conduct, capacity, and fitness of the probationer are satisfactory, he/she shall be retained in the position.
4. If the conduct, capacity, and fitness of the probationer are not satisfactory, the appointing authority shall give the probationer at least one (1) week's written notice that his/her service in the position will terminate at the end of the probationary term. Upon request, the probationer shall be granted an interview with the appointing officer or his/her representative.

C. Restoration to Permanent Position

1. When a permanent employee is promoted 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 temporary basis, during such probationary term.
2. At any time during the 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.

D. Absence During Probationary Term

1. Any periods of authorized absence aggregating up to ten (10) work days during the probationary term, may, in the discretion of the appointing authority, be counted as time served in the probationary term.

2. Any periods of absence totaling more than ten (10) work days shall not be counted as time served in the probationary term. These absences may extend the probationary term.
3. The period of the probationary term of an employee shall be extended by the number of work days absent which, pursuant to this section, are not considered as time served in the probationary term.

E. Temporary or Provisional Service in a Higher Level Position

1. When an employee has not completed his/her probationary term and is appointed on a temporary or provisional basis to a higher level position, the period of temporary or provisional service rendered by the employee in the higher level position, may, in the discretion of the appointing authority, be considered as satisfactory probationary service in the lower position. It may be counted as such in determining the satisfactory completion of the probationary term.
2. At any time after the expiration of the probationary term, the appointing officer shall, on request of the probationer, furnish his/her decision in writing as to whether or not service in the higher level position shall be considered as satisfactory probationary service. In the event of an adverse decision by the appointing authority, the 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.

3. The employment of the probationer in his/her lower position shall not be terminated at the end of the probationary term on account of unsatisfactory service unless he/she shall have actually served in such position, in the aggregate, for the entire probationary term.

F. Removal During Probationary Period

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 to remove a probationer for incompetency or misconduct at any time during the probationary term.

G. Reinstated Employees

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 original appointment to such position.

H. Termination/Resignation During Probationary Period

1. 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.
2. The probationer's name may be restored to such list if the Erie County Civil Service Commissioner in his/her discretion

determines that the probationer should be given a second opportunity for appointment.

3. Termination of a probationer's services is not grievable.