

The Civil Service Commission has established the Civil Service Adviser to enhance delivery of information on important employment issues and policies affecting the merit system of the City and County of San Francisco.

PROBATIONARY PERIODS

Civil Service Adviser

The City's Charter (Section 10.101) provides that the Civil Service Commission shall establish Rules, Policies and Procedures on the merit system, including Probationary Periods except duration.

Applicable collective bargaining agreements contain provisions on the duration of the probationary period. When administering the probationary period, departments must harmonize the requirements of the Rules and the applicable Collective Bargaining Agreement.

Definition

The Civil Service Commission Rules define the probationary period as the final and most important phase of the selection process. During this trial period following permanent civil service appointment, the employee is "at will" and may be released at any time.

The definition in the Civil Service Commission Rules also states that the probationary period is 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.

Duration of Probationary Period

The duration of the probationary period is found in the Collective Bargaining Agreement covering the classification where the employee has been appointed permanent civil service.

Blending the Definition and the Duration

At the time of appointment an employee who is serving a probationary period is notified of the duration of the probationary period and the tentative end date. An exception to the end of the probationary period reflects the requirement to "make up" for time off taken. For example, an employee is appointed permanent civil service on March 1, 2004 to a position as a Custodian (Job Code 2708). The Collective Bargaining Agreement representing the employee's class requires a six (6) month probationary period. Therefore, the projected end date of the probationary period is close of business (COB) August 31, 2004. On September 1, 2004, the employee gains the rights and benefits normally associated with permanent civil service appointment. If the employee takes time off (except Legal Holidays) during the probationary period, the end date of the probationary period is adjusted to reflect the number of hours or days taken off. The probationary period is not complete until the employee makes up the time.

When is a Probationary Period Required?

Generally speaking, a probationary period is required whenever an employee is appointed permanent civil service to a new class or to a new department. Specifically, a probationary period is required for permanent civil service appointment:

- 1) from an *eligible list* (Rule Series 017);
- 2) when *transferring* to a position in the same class but a new department (Rule Series 014 & 017);
- 3) by transfer under *Americans with Disabilities Act* Rules (Rule Series 015 & 017);
- 4) by *technological transfer* (Rule Series 014 & 017);
- 5) following *layoff* when the probationary period was not previously served in the class and department (Rule Series 012, 017 & 021);
- 6) following *reversion or by reinstatement* to a position in a class and department where the probationary period was not previously served (Rules Series 017);
- 7) *by status grant* to a position in another department (Rule Series 009);
- 8) when *reappointed* following complete resignation in good standing (see Adviser 007/2000);
- 9) *advancement from a part-time to a full-time position*.

When is a Probationary Period NOT Required?

A probationary period is NOT required when an employee is appointed permanent civil service by "transfer of function" (Rule Series 014), following appointment by status grant in the same department or following layoff, reversion or reinstatement when an employee returns to the same class AND department where the probationary period was already successfully completed. An employee, laid off, reverted or reinstated to a position in a classification where the probationary period has not been completed is required to complete the probationary period.

Harmonizing Civil Service Rules and the Collective Bargaining Agreement

It is critical to remember when administering the probationary period to check the Civil Service Commission Rules for information on **when** the probationary period applies as well as information on release from the probationary period and any appeal rights to the Civil Service Commission. The Collective Bargaining Agreement will indicate the **length** (duration) of the probationary period and when applicable, credit for provisional appointment or employee grievance rights.

QUESTIONS:

Department Of Human Resources:
 Merit System Services 557-4923
 Employee Relations Division 557-4990
 Internal Services 557-4849
 Equal Employment Opportunity 557-4832
 Civil Service Commission 252-3247
 Website: www.sfgov.org/civil_service

CIVIL SERVICE COMMISSION

Morgan R. Gorrone, President
 Linda Richardson, Vice President
 Alicia D. Becerril, Commissioner
 Donald A. Casper, Commissioner
 Thomas T. Ng, Commissioner
 Kate Favetti, Executive Officer

The information provided in this Adviser is for information purposes only and does not constitute nor intend to provide legal advice.

