

City of Mission Viejo Personnel Policy

Subject: **PROBATION PERIOD**

Statement of Intent:

To define the probation period for new and promoted employees. The Probation Period is an extension of the recruitment or promotion process. It provides the department head, manager and/or supervisor with an opportunity to evaluate the new or promoted employee's ability to perform assigned duties.

Policy:

1. INITIAL PROBATION: Employees not currently serving in a competitive service position who are appointed to a competitive service position will serve a probationary period for at least the first twelve (12) months of continuous employment in the competitive service position. During this period, the employee's department head, manager and/or supervisor and the employee will have an opportunity to determine whether continued employment is appropriate.

The employee can terminate the employment relationship by resignation, at any time during the probation period for any or no reason. The City Manager, or designee, can terminate the employment relationship of a probationary employee at any time during the probation period, by releasing the probationary employee with or without cause.

- a. A probationary employee is not vested with any employment rights and is not eligible for any due process rights under the City's Discipline procedure.
- b. If a probationary employee is released from employment, the employee shall be notified of his/her release in writing.
- c. Probationary employees remain on probation until the City takes affirmative action to release the probationary employee from employment or the probationary period ends.
- d. The employee's initial probation period shall be extended the same number of calendar days in which a probationary employee experiences a leave of absence without pay or any leave designated under the federal FMLA, state CFRA, and/or the City's Temporary Leave of Absence Personnel Policy.
- e. Department heads may affect the status of a probationary employee, during the probationary period, as follows:
 - (1) Recommend the release of the probationary employee from employment;
 - (2) Extend the length of the probationary period; or

- (3) Allow the probationary period to expire resulting in the probationary employee becoming a regular employee at the end of the probationary period.

f. Nothing in this Paragraph 1 applies to promotional probationary employees.

2. **PROMOTIONAL EMPLOYEE PROBATION:** A regular employee who is serving in a competitive service position and is promoted into another competitive service position shall serve a six (6) month promotional probation period. If an employee is promoted while serving in their initial probationary period, the employee shall serve a twelve (12) month promotional probation period.

The promotional probationary employee can terminate the employment relationship by resignation, at any time during the promotional probation period for any, or no, reason. The City Manager, or designee, can terminate the employment relationship of a promotional probationary employee at any time during the probation period, by releasing the probationary employee with or without cause. A regular employee who accepts a promotion relinquishes his/her status as a regular employee.

- a. A promotional probationary employee is not vested with any employment rights and is not eligible for any rights under the City's Discipline procedure.
- b. The employee's probationary probation period shall be extended the same number of calendar days in which a probationary employee experiences a leave of absence without pay or any leave designated under the federal FMLA, state CFRA, and/or the City's Temporary Leave of Absence Personnel Policy.
- c. If a promotional probationary employee is released from employment, the employee shall be notified of his/her release in writing.
- d. Promotional probationary employees remain on probation until the City takes affirmative action to release the promotional probationary employee from employment or the probationary period ends.
- e. Department heads may affect the status of a promotional probationary employee, during the probationary period, as follows:
 - (1) Recommend the release of the promotional probationary employee from employment;
 - (2) Extend the length of the probationary period; or
 - (3) Allow the probationary period to expire resulting in the promotional probationary employee becoming a regular employee at the end of the probationary period.

Administration:

In accordance with City of Mission Viejo Municipal Code chapter 2.60 “Personnel System”, this Personnel Policy is deemed not to have a direct financial impact on the City. The City Manager may implement and amend this policy subject to prior City Attorney legal review and approval, and City Council review.

Implemented: September 11, 1989. (Reviewed by City Council – September 11, 1989 – Resolution No. 89-92.)

Amended: July 1, 1992.

Amended: November 2, 2009. (Reviewed by City Council – November 2, 2009 – Resolution No. 09-52.)

Amended: By City Council – July 10, 2018 - Res. No. 18-34.