RULE 9

PROBATION [1]

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[1] **Editor's Note**: Commencing in 2004, as each Rule is amended the number designations are being converted from Roman to Arabic numerals.

Section 1. Original Appointment.

(Amended October 13, 1995; October 27, 2000; June 1, 2005)

A. Any person selected for original appointment shall be duly notified and upon accepting and reporting for duty shall receive from the Manager of Safety a notice of appointment for a probationary period. The probationary period shall include [except for the ranks of Fire Systems Technical Specialist and Mechanic in the Fire Department, and except for the appointment of a Firefighter, under Charter § 9.3.11(E)(iii), pursuant to an intergovernmental agreement] the time necessary to successfully complete the Police or Fire Academy and a nine (9) month period thereafter.

B. For the ranks of Fire Systems Technical Specialist and Mechanic in the Fire Department the probationary period shall include a period of 12 months following appointment.

C. For any and all person appointed to the rank of Firefighter, under Charter § 9.3.11(E)(iii) pursuant to a particular intergovernmental agreement, the probationary period shall be determined by the Manager of Safety. The same probationary period shall be applicable to all such persons receiving original appointment under a particular agreement. The probationary period shall be established by written notification to the Commission prior to the original appointment of any applicant under the agreement. The Manager of Safety may establish the probationary period independent of the particular agreement or, should the particular agreement stipulate a probationary period, by written approval of the agreement. Should the Manager of Safety fail to establish the probationary period prior to any original appointment under the agreement, the probationary period shall default to the time necessary to successfully complete the Fire Academy, if participation in an academy is required following appointment, and a nine (9) month period thereafter. [2] [3]

D. Any notice of appointment for a probationary period shall not require the retention of any appointee.

Section 2. Probationary Dismissals.

(Amended October 13, 1995; October 27, 2000; June 1, 2005)

A. An original appointee who fails to complete the probationary period has not attained a permanent status in the Classified Service. A probationary member shall not be entitled to appeal a dismissal action.

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[2] **Charter Note**: Charter § 9.3.11(E)(iii) authorized original appointment to the Fire Department pursuant to a duly approved intergovernmental agreement. The section was adopted in election of May 3, 2005.

[3] **Charter Note**: Charter § 9.4.6 was amended in the election of May 3, 2005, to give the Manager of Safety discretion in determining the probationary period for those appointed to the Fire Department pursuant to a duly approved intergovernmental agreement.

B. The Manager of Safety may summarily dismiss, without cause, any probationary member during their probationary period. At the end of the probationary period, if the conduct and capacity of the appointed member shall have been satisfactory, he or she shall be permanently appointed; otherwise, he or she shall be dismissed.[4]

C. The Manager of Safety shall promptly report to the Commission any notice of dismissal action regarding a probationary member of the Classified Service, stating the reason(s) for the dismissal.

Section 3. Layoff While on Probation.

When the force in any department is reduced, the person last certified to such department for appointment shall be the first laid off, and when the force in such department is increased, persons so laid off shall be reinstated in the order of their original certification.

Section 4. Completion of Probationary Period.

An original appointee serving as a probationer, who is laid off, shall, upon reinstatement, complete the full probation period before becoming a permanent member of the classified service.
(Amended October 13, 1995)

Section 5. Effect of Dropping on Other Registers.

The separation of probationary members from the classified service shall not affect their standing on any other list or on any requisition received subsequent to the termination of such probationary period unless the reason for the dismissal is of such a nature that the Commission removes said probationary appointee's name from any register in accordance with these Rules.
(Amended October 13, 1995)

END

[4] **Charter Note**: Charter § 9.4.6 was amended in the election of May 6, 2003, to provide the Manager of Safety with the full authority to dismiss probationary members of the Classified Service, without review or approval by the Civil Service Commission.

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