

**A. GENERAL:**

1. All Judicial service appointments, except temporary, emergency, and intermittent, shall be subject to the satisfactory completion of a probationary period. This applies also to subsequent appointments in connection with a promotion, reappointment, disciplinary demotion, certain types of reinstatement or transfer. The probationary period shall be considered an integral part of the selection process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new, promoted, transferred, reappointed, applicable reinstated or demoted employee and for removal of any employee whose performance, conduct or work relations are not satisfactory.
2. Probationary employees who fail any probationary period have no right of appeal, except in cases of alleged illegal discrimination.
3. Successful completion of a probationary period in no way restricts the right of the division to separate any employee from Judicial service at a later date for any reason provided for by these Rules.

**B. LENGTH OF PROBATIONARY PERIODS:**

1. For classified employees appointed after the effective date of these Rules, original, promotion, demotion, transfer, reinstatement and reappointment, probationary periods shall be twelve (12) months. However, the Division Head may extend a probationary period for up to an additional six (6) months. In no case may an original probationary period be longer than eighteen (18) months.
2. For classified employees appointed prior to the effective date of these Rules, the length of the original promotion, demotion, transfer, reinstatement or reappointment probationary period shall be of the duration specified at the date the employee was appointed. Probationary periods falling under this Rule may be extended for a maximum additional period of six (6) months by the applicable Division Head.
3. An employee who leaves Judicial employment while in a probationary status or for any other reason fails to complete a probationary period, and who returns to Judicial employment, must complete a new probationary period as provided by these Rules.
4. Absence from work for more than forty (40) hours during any probationary period shall serve to automatically extend the probationary period by an equal number of work hours.

**C. TYPES OF PROBATIONARY PERIODS:**

**1. ORIGINAL PROBATIONARY APPOINTMENT:**

- a. All appointments in the classified service shall serve an original probationary period. Probationary employees who successfully complete their probationary period shall be granted regular status upon completion of the probationary period.
- b. An original probationary employee accepting another Judicial position prior to the completion of the original probationary period in their current position, shall begin a new original probationary period for the new position, but shall retain the original date of hire for longevity purposes.
- c. Probationary employees may be dismissed at any time during their probationary period without right of grievance, appeal or hearing except as otherwise provided by these Rules.
- d. Employees who do not successfully complete the probationary period shall be dismissed.

**2. PROMOTION PROBATIONARY APPOINTMENT:**

- a. An employee who is promoted shall serve a probationary period applicable to the classification to which promoted.
- b. Other than lack of appeal rights pursuant to Rule 209(A)(2), the regular status of an employee shall not be affected by serving a promotion probationary period, and the employee shall be eligible for any other type of action during the probationary period, unless otherwise established by law.
- c. An employee who fails a promotion probationary period may be denied promotion, laid-off or placed in a position of the former or a lower class, if available, through the appropriate competitive process.

**3. DEMOTION PROBATIONARY PERIOD:**

- a. An employee who receives a disciplinary demotion as provided in Rule 702(A)(4) shall serve a six (6) month demotion probationary period. An employee involuntarily demoted for a disciplinary or non-disciplinary reason,

who fails a demotion probationary period, shall be dismissed from the position to which demoted. Other than lack of appeal rights pursuant to Rule 209(A)(2), the regular status of an employee shall not be affected by serving a demotion probationary period.

- b. An employee who voluntarily demotes non-competitively as provided by Rule 208(B) shall not be required to serve a probationary period.

**4. TRANSFER PROBATIONARY PERIOD:**

- a. A transferred employee shall serve a six (6) month transfer probationary period.
- b. Other than lack of appeal rights pursuant to Rule 209(A)(2), the regular status of an employee shall not be affected by serving a transfer probationary period, and the employee shall be eligible for any other type of action during the probationary period, unless otherwise established by law.
- c. An employee who fails a transfer probationary period may be denied transfer, laid-off or placed in a position of the former or lower class, if available, through the appropriate competitive process.

**5. REINSTATEMENT PROBATIONARY PERIOD:**

- a. Reinstated employees shall serve probationary periods as follows:
  - 1. An employee who was laid-off due to lack of work, reduction in force, administrative reorganization or other reasons beyond the control of the employee causing the abolishment of the position formerly held and who is reinstated shall serve a reinstatement probationary period as follows:
    - a) An employee reinstated to the same classification as the position previously held prior to reinstatement, shall not be required to serve a probationary period and will retain regular status upon reinstatement.
    - b) An employee reinstated to a position with a different classification than the position held prior to reinstatement, shall be required to serve a probationary period applicable to the classification to which reinstated. Such employee shall not be

granted regular status until completion of the applicable probationary period.

2. An employee reinstated by order of the Hearing Officer shall not be required to serve a probationary period and will retain regular status upon reinstatement.

b. A reinstated employee who fails a reinstatement probationary period shall return to the reinstatement register for the remainder of the period during which such employee's name would otherwise have remained on the register as provided by these Rules.

c. Reinstated employees shall accrue benefits at the same rate as was the case when such employee was separated from Judicial service.

**6. REAPPOINTMENT PROBATIONARY PERIOD:**

a. A reappointed employee shall be required to serve a probationary period applicable to the classification to which reappointed.

b. Other than lack of appeal rights pursuant to Rule 209(A)(2), the regular status of an employee shall not be affected by serving a reappointment probationary period, and the employee shall be eligible for any other type of action during the probationary period, unless otherwise established by law.

c. An employee who fails a reappointment probationary period may be denied reappointment, laid-off or placed in a position of the former or lower class, if available, through the appropriate competitive process.

**D. PROBATIONARY PERIOD CREDIT:**

1. **TEMPORARY APPOINTMENTS:** When a temporary employee is competitively appointed as a regular employee, and upon written request by the hiring division and approval by the Court Administrator, probationary period credit up to three (3) months may be granted for contiguous service in the classification to which appointed. In no case shall the probationary period credit received exceed the number of hours worked in that classification.

2. **DETAIL:** When an employee is detailed into a position of a higher classification, upon written request by the hiring division and approved by the Presiding Judge, the time served in the detailed position may be applied to the required promotion probationary period upon a competitive appointment into that position or classification. In order to qualify for this credit the time spent in detail must immediately precede the promotional appointment.