

GUIDELINES FOR EVALUATING PERFORMANCE OF PROBATIONARY EMPLOYEES

Probationary employees serve at the pleasure of the appointing authority and may be rejected at any time during the probationary period, Washoe County Code 5.219 provides that performance reports of probationers be filed at various times during the probationary period. The code provides that copies of these reports be given to the employee and the appointing authority shall provide training and assistance to the employee to meet the standards of performance for the position. Based upon the County code provisions and sound personnel practices, probationary employees should be given the opportunity to address performance concerns as well as an opportunity to improve.

Reasons for rejection of a probationary employee must be timely and clearly articulated. Otherwise, it appears that the reasons have been created after the decision has been made to terminate. In addition, reasons for rejection must be job related. Reasons which are not job related are virtually- impossible to defend and expose the County to potential liability in a wrongful termination or Title VII action.

The supervisor's power is limited when dealing with termination. The supervisor should make a recommendation to the department head who must independently and completely review the employee's performance to determine whether termination is appropriate. Some areas that should be considered when making this decision are:

- How have other probationary employees been treated in the past? What incidents have resulted in termination of probationary employees in the past and do these incidents indicate that discharge is appropriate in this situation?
- Did the employee have a fair chance to learn policies and procedures and other job related requirements?
- Would an impartial reviewer consider the performance expectations as reasonable and necessary to the job?
- Did the employee receive specific information concerning areas of performance deficiency with suggestions for improving these areas?
- Did the employee have an opportunity to discuss and or explain his/her side of problems that have been identified by the supervisor?
- Was the employee provided a sufficient time and supervisory guidance in order to correct performance deficiencies?
- Was the employee treated with dignity and respect through this process?

If you have any questions or concerns regarding this process, please feel free to consult with the Department of Human Resources.

Probationary Period

5.215 Length of probationary period.

After considering recommendations of appointing authorities, the director of human resources shall determine the length of the probationary period for each class in the classified service and shall identify the same in the county classification plan. The probationary period shall be either 6 months or 1 year. Classes shall be assigned to a 1-year probationary period if, in the judgment of the personnel committee, they meet one of the following criteria:

1. The class requires work in locations where visits by supervisors are necessarily infrequent, and a 6-month period would be inadequate to judge fairly the employee's work.
2. The tasks to be performed in the class occur on a seasonal or cyclical basis so that in a 6-month period the supervisor would not be able to observe the employee in the performance of all aspects of the work.
3. High administrative or area supervisory responsibilities are involved and the complexity and difficulty of planning and directing the work are such that effectiveness of performance cannot be fairly judged in a period of less than 1 year.

[§97, Ord. No. 213; A Ord. Nos. 733, 1143]

5.217 Interrupted probationary period.

1. If a probationer has not, during his prescribed probationary period, worked the number of months set forth in the classification and compensation plan, his probationary period may, with prior approval of the department of human resources, be extended until he has worked the required months.
2. In calculating the required period, overtime work and other time beyond those variations as specified in section 5.275 shall not be counted. The appointing authority shall report in the prescribed manner to the human resources department and the employee when, because of inadequate time served, the probationary period is to be extended under this section.
3. When a probationary employee is injured on the job and is placed in a "light duty" assignment as certified by the risk management division, or is temporarily assigned to another position as certified by the appointing authority, his probationary period may, with prior approval of the department of human resources, be extended until he has worked the required months performing his regular assignment.
4. When a probationary employee is incapacitated and in a paid leave status in excess of 30 consecutive days, his probationary period may, with prior approval of the department of human resources, be extended until he has worked the required number months.

[§98, Ord. No. 213; A Ord. Nos. 733, 828, 1060, 1143]

5.219 Reports of performance of probationers

1. The appointing authority shall file with the department of human resources a report of performance at the end of the 3rd and 5th month for each employee serving a 6-month probationary period. For those employees serving a 12-month period, the appointing authority shall file a performance report at the end of the 3rd, 8th and 11th month of employment.

2. Copies of all performance reports shall be given to the employee, and the appointing authority shall provide for the training of and assistance to the employee to meet the standards of performance for the position to which he has been appointed.

[§99, Ord. No.213; A Ord. Nos. 733, 1060]

5.221 Rejection of probationary employees.

1. Probationary employees serve at the pleasure of the appointing authority, and the appointing authority may, at any time during the probationary period, terminate a probationer.
2. Rejection of an employee during the probationary period shall be accomplished by the filing by the appointing authority with the department of human resources of all performance reports due and a report of separation for the probationary employee affected. The appointing authority shall advise the probationary employee, in writing, of the reason or reasons for the termination.
3. If a report of separation for the employee is not received in the department of human resources or postmarked by the close of business on the last day of the probationary period, the employee will be considered satisfactorily to have completed the probationary period and acquired permanent status.
4. Any promotional appointee who fails to attain permanent status in the position to which he was promoted, or who is dismissed for cause other than misconduct or delinquency on his part from the position to which he was promoted, either during the probationary period or at the conclusion thereof, shall be restored to the position from which he was promoted. For purposes of this section, a promotional appointee is any person who was hired from a promotional list.
5. When an incumbent does not satisfactorily complete his probationary period upon promotion, he shall return to his former position and pay status as if the promotion had not occurred.

[§100, Ord. No.213; A Ord. Nos. 392, 733, 828, 1060, 1143]

Current as of December, 2001