

PERSONNEL SERVICES BULLETINS (PSBs)

200-11

Subject: Credit Toward Probationary Period for Continuous Provisional or Temporary Service in the Same Title and Job Assignment

Source: Rule 5.2.2 (a) of the Personnel Rules and Regulations of the City of New York and the Citywide Agreement

Date: April 17, 2000

I. Background

On occasion, City employees serve continuously on a provisional or temporary basis in the same promotional or appointive title and job assignment immediately prior to promotion or appointment for a period of time less than, equal to, or greater than the length of the probationary period. Upon appointment or promotion, many of these employees are required to serve a complete probationary period because the Personnel Rules and Regulations for the City of New York ("PRR") require this probation. Pursuant to Rule 5.2.2 of the PRR, only permanent employees who have served in a promotional title and particular job assignment on a provisional or temporary basis for a continuous period equal to or greater than the probationary period for that title immediately prior to a permanent promotion to that title are not required to serve a new probationary period. There is no comparable rule for employees who have served provisionally in the same competitive title and job assignment immediately prior to appointment, nor is there a rule granting credit for probationary service to employees who have served provisionally in the same promotional title and job assignment for a period of time which is less than the length of the designated probationary period for that title.

The City believes that the above employees should not be required to serve full probationary periods upon appointment or promotion. Consequently, a new clause in the Citywide Agreement similar to Rule 5.2.2 provides for full or partial credit for provisional or temporary service toward the completion of the probationary period.

II. Policy

This policy applies only to employees in titles covered by the Citywide Agreement.

Rule 5.2.2 (a) of the PRR currently reads, in part: "... if a permanent employee has served in a promotional title and particular job assignment on a provisional or temporary basis for a continuous period equal to or greater than the probationary period for that title immediately prior to a permanent promotion to such title or, as determined by the commissioner of citywide administrative services, in a title in a similar grade and in such particular job assignment or similar job assignment in the same agency, the promotee shall not be required to serve a probationary period upon such promotion."

Pursuant to this PSB, prior continuous provisional or temporary service within a title and particular job assignment served immediately prior to a permanent promotion or appointment to the same title and particular job assignment within the same agency shall be credited toward the probationary period for that title as follows:

- A. If immediately prior to a permanent promotion to a title, a permanent employee has served in that promotional title and particular job assignment in the same agency on a provisional or temporary basis for a continuous period which is less than the

probationary period for that title, the promotee's probationary period shall be reduced by an amount equal to the time previously served in the provisional or temporary job assignment immediately preceding the promotion, but in no case shall such probationary period be reduced by more than nine months; or

B. If immediately prior to permanent appointment to a title, an employee has served in that title and particular job assignment in the same agency on a provisional or temporary basis for a continuous period for that title, the employee's probationary period shall be reduced by an amount equal to the time previously served in the provisional or temporary job assignment immediately preceding the appointment, but in no case shall such probationary period be reduced by more than nine months.

This policy applies to employees who are appointed or promoted directly by the agency in which they are serving on a provisional or temporary basis. This policy also applies to employees who are appointed or promoted by one agency and have their permanent titles transferred to the agency in which they are serving on a provisional or temporary basis.

Nothing herein prohibits the agency head from extending the probationary period (pursuant to Rule 5.2.8 of the PRR) of employees whose probationary periods are shortened pursuant to paragraphs A or B above.

Employees whose probationary periods are shortened pursuant to paragraphs A or B above and who voluntarily transfer to another agency prior to the completion of their probationary period will be required to serve a new probationary period pursuant to Rule 6.1.6 of the PRR. Prior provisional service at the former agency will not count toward the completion of the probationary period.

III. Procedure

If an employee is appointed or promoted to a title in which one of the above conditions applies, the Department of Citywide Administrative Services (DCAS) will consider all such prior continuous provisional or temporary service as the same job assignment to which the employee is being promoted or appointed unless the Personnel Director of the agency where the employee will be working notifies the Control and Service Division to the contrary in writing.

Where the employee is appointed or promoted directly to the agency that he/she has been serving in as a provisional or temporary employee, the Personnel Director must send such written notification to the Control and Service Division within one month of the date that the employee reports to work as a permanent employee. If the employee is appointed or promoted by one agency and is transferred to the agency in which he/she is serving provisionally, documentation stating that the employee is serving in a different job assignment must be attached to Form DP-72.

Employees who receive credit for provisional or temporary service toward their probationary period shall be notified in writing at the time of appointment or promotion by the agency in which they are serving on a provisional or temporary basis.

William J. Diamond
Commissioner