

CHAPTER 9
PROBATIONARY PERIOD
[Prior to 11/5/86, Merit Employment Department[570]]

581—9.1(19A) Duration. All original full-time or part-time appointments to permanent positions shall require a six-month period of probationary status. Employees with probationary status shall not be eligible for promotional application or certification, reinstatement following separation, or other rights to positions unless provided for in this chapter, nor have reduction in force, recall, or appeal rights. If, during the period of probationary status in a position covered by merit system provisions, the conditions change under which the employee was originally certified, the employee must be eligible for certification in accordance with 581—subrule 7.3(2).

Prior to the expiration of the six-month period of probationary status, the appointing authority must notify the employee, with a copy to the director, if the employee is to be terminated.

A six-month period of probationary status may, at the discretion of the appointing authority with notice to the employee and the director, be required upon reinstatement, and all rules regarding probationary status shall apply during that period.

The provisions of this chapter shall apply to all executive branch employees, except employees of the board of regents, unless collective bargaining agreements provide otherwise.

581—9.2(19A) Disciplinary actions.

9.2(1) In addition to less severe progressive discipline measures, the appointing authority may demote, suspend, reduce pay within the same pay grade, or discharge an employee during the period of probationary status without right of appeal. The appointing authority shall notify the employee in writing of the effective date of the action, and in the case of a suspension or reduction in pay, the duration of the action. In no case shall suspension extend beyond 30 calendar days, nor beyond the end of the probationary period. A copy of the notice shall be sent to the director by the appointing authority.

9.2(2) Disciplinary demotion during the period of probationary status to a position covered by merit system provisions shall require eligibility for appointment from a list of eligibles in accordance with 581—subrule 7.3(2). However, a probationary employee may be disciplinarily demoted to a position covered by merit system provisions in a work-test class as long as the employee meets the minimum qualifications for the class. The total required period of probationary status shall include the time spent in the higher class. The pay shall be set in accordance with 581—subrule 4.6(7).

581—9.3(19A) Voluntary demotion during the period of probationary status. Voluntary demotion during the period of probationary status to a position covered by merit system provisions shall require eligibility for appointment from a list of eligibles in accordance with 581—subrule 7.3(2). However, a probationary employee may voluntarily demote to a position covered by merit system provisions in a work-test class as long as the employee meets the minimum qualifications for the class. The total required period of probationary status shall include the time spent in the higher class. The pay shall be set in accordance with 581—subrule 4.6(7).

581—9.4(19A) Promotion during the period of probationary status. A probationary employee who is promoted during the period of probationary status to a position covered by merit system provisions shall be certified in accordance with 581—subrule 7.3(2). However, a probationary employee may be promoted to a position covered by merit system provisions in a work-test class as long as the employee meets the minimum qualifications required for the class. The total required probationary period shall include the probationary service in the class from which promoted. The rate of pay shall be set in accordance with 581—subrule 4.6(6).

581—9.5(19A) Transfer during the period of probationary status. A probationary employee who is transferred during the period of probationary status by the appointing authority to a position covered by merit system provisions must be eligible for certification in accordance with 581—subrule 7.3(2) unless the transfer is to a position in the same class, in the same location, and under the same conditions for which the employee was originally certified. However, a probationary employee may be transferred to a position covered by merit system provisions in a work-test class as long as the employee meets the minimum qualifications required for the class. The total required period of probationary status shall include the probationary time spent in the class from which transferred. The rate of pay shall be set in accordance with 581—subrule 4.6(8).

581—9.6(19A) Reclassification during the period of probationary status. An employee who is reclassified during the period of probationary status must be eligible for certification in accordance with 581—subrule 7.3(2) if the new position is covered by merit system provisions. However, an employee who is reclassified to a work-test class covered by merit system provisions need only meet the minimum qualifications for the class. The total required period of probationary status shall include the probationary time spent in the previous class. The rate of pay shall be in accordance with 581—subrule 4.6(9).

581—9.7(19A) Leave without pay during the period of probationary status. A probationary employee may be granted leave without pay at the appointing authority's discretion in accordance with these rules. When a probationary employee is granted leave without pay, the employee's probationary period shall not be extended by the amount of leave granted unless the leave is for education or training.

581—9.8(19A) Vacation and sick leave during the period of probationary status. Probationary employees shall accrue and be granted vacation and sick leave in accordance with the provisions of these rules.

581—9.9(19A) Probationary period for promoted permanent employees. This rule shall only apply to promotion within an appointing authority's department and to positions covered by merit system provisions.

An employee may be required to serve a six-month probationary period in the class to which promoted before the promotion becomes permanent.

At any time during the promotional probationary period the appointing authority may return the employee to the formerly held class. Return under this probationary period rule shall not be considered a demotion and there shall be no right to an appeal. The former salary and pay increase eligibility date shall be restored with credit allowed for the time spent in the higher class.

These rules are intended to implement Iowa Code section 19A.9.

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