

CHAPTER 58
PROBATIONARY PERIOD

[Prior to 11/5/86, Merit Employment Department[570]]

[Prior to 2/18/04, see 581—Ch 9]

11—58.1(8A) Duration. All original full-time or part-time appointments to permanent positions shall require a six-month period of probationary status. Appointments to peace officer positions at the department of public safety require a 12-month probationary period following appointment. Employees with probationary status shall not be eligible for promotion, reinstatement following separation, or other rights to positions unless provided for in this chapter, nor have reduction in force, recall, or appeal rights.

A six-month period of probationary status may, at the discretion of the appointing authority and 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.

[ARC 0401C, IAB 10/17/12, effective 11/21/12]

11—58.2(8A) Disciplinary actions. 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.

Disciplinary demotion during the period of probationary status to a position covered by merit system provisions shall require that the employee meet the minimum qualifications for the class. If demoted, the total required period of probationary status shall include the time spent in the higher class. The pay shall be set in accordance with 11—subrule 53.6(7).

11—58.3(8A) 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 that the employee meet 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 11—subrule 53.6(7).

11—58.4(8A) 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 hired in accordance with 11—subrule 56.3(3). The total required probationary period shall include the probationary service in the class from which the employee is promoted. The rate of pay shall be set in accordance with 11—subrule 53.6(6).

[ARC 0401C, IAB 10/17/12, effective 11/21/12]

11—58.5(8A) 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 meet 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 11—subrule 53.6(8).

11—58.6(8A) Reclassification during the period of probationary status. An employee who is reclassified during the period of probationary status 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 11—subrule 53.6(9).

11—58.7(8A) 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.

11—58.8(8A) Vacation and sick leave during the period of probationary status. Probationary employees shall accrue and may be granted vacation and sick leave in accordance with the provisions of these rules.

11—58.9(8A) 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 sections 8A.401, 8A.411, 8A.413, 8A.415 to 8A.418, 8A.453, 8A.456 and 8A.458.

[Filed July 14, 1969; amended November 5, 1970, April 14, 1971, July 26, 1974]

[Filed 2/28/80, Notice 12/26/79—published 3/19/80, effective 4/23/80]

[Filed 1/2/81, Notice 10/1/80—published 1/21/81, effective 2/25/81]

[Filed 12/3/82, Notice 10/13/82—published 12/22/82, effective 1/26/83¹]

[Filed 3/22/85, Notice 10/24/84—published 4/10/85, effective 5/15/85]

[Filed 12/3/85, Notice 10/9/85—published 12/18/85, effective 1/22/86]

[Filed 10/17/86, Notice 8/13/86—published 11/5/86, effective 12/10/86]

[Filed 9/29/89, Notice 8/23/89—published 10/18/89, effective 11/24/89]

[Filed 2/1/90, Notice 12/13/89—published 2/21/90, effective 3/30/90]

[Filed 2/1/91, Notice 12/12/90—published 2/20/91, effective 3/29/91]

[Filed 12/12/96, Notice 10/23/96—published 1/15/97, effective 2/19/97]

[Filed 8/12/99, Notice 6/16/99—published 9/8/99, effective 10/13/99]

[Filed emergency 6/29/00—published 7/26/00, effective 7/1/00]

[Filed 1/28/04, Notice 12/24/03—published 2/18/04, effective 3/24/04]

[Filed ARC 0401C (Notice ARC 0180C, IAB 6/27/12), IAB 10/17/12, effective 11/21/12]

[Filed ARC 4053C (Notice ARC 3937C, IAB 8/15/18), IAB 10/10/18, effective 11/14/18]

¹ Effective date of 9.1, 9.3, 9.4 and 9.5 delayed 70 days by Administrative Rules Review Committee. Delay lifted by Committee on 2/8/83.

See details following chapter analysis.