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## Probationary Employees

### 904.1 PURPOSE AND SCOPE

To establish Departmental Policy regarding probationary employees including the removal of support staff (non-sworn) and employees in peace officer classifications. This section applies to all employees. Probationary periods shall be administered pursuant to San Diego County Charter Section 910.1 and applicable provisions of the Civil Service Rules.

### 904.2 POLICY

- A. It is the policy of the Probation Department to provide adequate training to assist employees in successfully completing their probationary period. It is also the policy of the Department to release those probationary employees whose performance does not meet standards and expectations established for their positions.
- B. It is the Department's policy that supervisors provide candid assessments of performance to newly hired or promoted probationary personnel on a continuous basis as an extension of the selection process.
- C. A probationary employee who fails to meet performance standards or expectations of their positions may be released at any time during the probationary period.

### 904.3 RECOMMENDATION FOR FAILURE OF PROBATION

- A. A supervisor who is considering whether a probationary employee should be released during the probationary period shall discuss the matter with his or her immediate Supervisor, Division Chief, and the Human Resources Officer for the Service as soon as it becomes apparent that the employee may fail probation to assess whether the employee has received appropriate training, guidance, and counseling; and to determine next steps.
  - 1. If a formal recommendation for a failure of probation is deemed appropriate, the relevant information and materials will be forwarded through the chain of command to the Assistant Chief Probation Officer. If the Assistant Chief Probation Officer concurs that the employee has not satisfactorily met the performance standards or expectations the ACPO will obtain concurrence from the Chief Probation Officer and coordinate with the Human Resources Officer to prepare a Failure of Probation letter for signature by the Chief Probation Officer or designee.
- B. Review Process: Peace Officers Only (Government Code Section 3304)
  - 1. Failure to Meet Standard: Probationary Peace Officers being failed during the probation period for an inability to meet performance standards or expectations required by their position are not entitled to an administrative appeal under Government Code Section 3304 or departmental policy.
  - 2. Failure of Probation Status for Cause: Peace officers failed from probation for violation of Civil Service Commission Rules or Departmental Standard of Conduct (e.g., theft of property, violation of laws, etc.) have a right to an administrative review. The purpose of the review is to provide an opportunity for the officer to be heard and to enter into the record a statement of explanation or facts not

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believed to be on record, mitigation of the cause of failure of probation and/or be persuasive in appealing to the appointing authority for reinstatement. A request for a departmental administrative review involving a failure on probation for cause or disciplinary issue(s), must be made by the Peace Officer in writing to the Sr. Human Resources Officer. A Review Officer will contact the employee and/or the employee's representative to schedule an administrative appeal. This review may be completed prior to the officer's failure of probation (if applicable) or may be scheduled as a post failure of probation administrative appeal. The Review Officer shall, after completing the administrative appeal, submit in writing a statement of findings and a recommendation to the Assistant Chief Probation Officer or designee. A peace officer may, at any time, exercise the option to waive his or her right to an administrative appeal.

3. Departmental Representation: The Chief Probation Officer or designee will assign the Administrative Appeal Officer. The person assigned to act as review officer must not have been directly involved in supervising the probationary employee during the probationary period.
  4. Employee Representation: An employee is entitled to representation during the administrative review by a person of the employee's own choosing. The employee or his/her representative will be provided copies of all documentation that will be used at the review and referred to in the Notice of Failure to Complete Probation.
  5. Appointing Authority's Decision: The Chief Probation Officer or his/her designee will review the report and recommendation prepared by the Review Officer regarding the failure of a probationary employee for cause. The appointing authority's decision on the recommendations of the review officer will be considered final at the departmental level. If the Chief Probation Officer or Assistant Chief Probation Officer find that the officer has appropriately been recommended for failure on probation, the peace officer will be notified of the decision and the effective date of the action. If the Chief Probation Officer or Assistant Chief Probation Officer find that the officer has been recommended for failure of probation in error, the officer will be notified of this finding in writing and returned to probationary status if appropriate.
- C. Liberty Interest Hearing: A probationary employee who failed on probation and alleges facts in violation of their liberty interest may be entitled to hearing by the Civil Service Commission.