

MEMORANDUM

DATE: MAY 28, 2002
TO: ALEX RUIZ, CITY MANAGER
FROM: GLENN GIMBUT, ASST. CITY ATTORNEY
RE: PROBATIONARY PERIOD EXTENSION

This memorandum will confirm our conversation of May 23, 2002. From our discussion, historically both police and fire department employees were given a one-year probationary period. You expressed a desire to be sure that this policy was proper and to see that it was reaffirmed.

Rule XIII of the Personnel Policies provides that employees must be subjected to a probationary period of *not less* than six months. No promise is made in the Rules that probationary periods will only be for six months and no longer. Indeed, the rules allow for probationary periods to be longer than six months.

Rule XIII Section 1 states in part: "The City Manager may establish a longer probationary period for specified classes."

Pursuant to this section the Manager has the power to administratively establish a longer probationary period for such classes of employees as he may designate. As a result, the Manager has the power to establish an identical probationary period for all Police Department and Fire Department employees. How, procedurally, the Manager does this is not spelled out. Therefore any method which shows actions by the Office of the City Manager to establish a longer period for certain classes will be proper.

It is my understanding that when the City was first organized, the Police Department and the Fire Department were under the Department of Public Safety and the policies and procedures manual, which was approved by the Manager, established a probationary period of one year. Later the departments became separated. Both Departments have new procedures, and the Standard Operating Procedures Manual of the Police Department clearly sets out a probationary period of one year. The current procedures document of the Fire Department is silent on the topic.

All police and fire department employees have always had a one year probationary period ever since the City was first organized. At no time has any City Manager ever changed that policy. The established business habit has been a one year probationary period. No employee in either department has been added to the classified service with less than a year. Since a Manager's approval is needed to add an employee to the classified service, the fact that an employee is not added until one year can be considered establishing a longer probationary period for the affected class.

Memo to Alex Ruiz, City Manager

May 28, 2002

Re: Probationary periods for employees

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To be sure that the one-year probationary period is clear in the minds of the employees I recommended a memo clearly establishing this as the period of probation for these departments. However, by sending such a memo, this does not mean it wasn't one year all along.