

<b>DEPARTMENT OF PUBLIC WORKS PERSONNEL MANAGEMENT MANUAL</b>	
<b>Personnel Directive</b>	Subject: <u>TERMINATION OF PROBATIONARY EMPLOYEES</u>
<b>ADOPTED BY THE BOARD OF PUBLIC WORKS, CITY OF LOS ANGELES</b>	

June 20, 2007

PERSONNEL DIRECTIVE NO. 44

BACKGROUND

On October 17, 2001, the Board of Public Works reissued Personnel Policy No. 12, "Termination of Probationary Employees," to expand its applicability to all probationary employees. This Directive provides the necessary procedures to carry out the provisions of Personnel Policy No. 12.

Personnel Directive No. 21, "Formal Employee Discipline," should be used for disciplinary matters concerning employees not on probation and Personnel Directive No. 31 for the termination of emergency, exempt or limited employees for cause.

PROCEDURES

Although a pre-discipline or "Skelly" hearing is not required for a probationary termination, supervisors must document in detail their reasons for recommending such an action.

Supervisors should follow Personnel Directive No. 26, "Probationary Evaluations," to ensure probationary employees are properly evaluated and **periodically** counseled in a timely fashion. Such counselling should be documented by the supervisor in a memo to the supervisor's file. Proper training should also be provided to probationary employees to help them perform the duties of the job and meet the Bureau's standards of performance.

If, after proper training and counseling, the immediate supervisor determines that action shall be taken against an employee for failure to meet performance (e.g. production, quality of work) and/or employee standards (e.g. absenteeism, tardiness, failure to follow instructions), the following procedures should be used:

1. The immediate supervisor advises his/her supervisor of the problems outlining what actions have been taken to secure improved performance and obtains his/her input.
2. If appropriate, the immediate supervisor and his/her supervisor counsel the employee regarding problems, provide additional training as required, and document this counseling session. If a counseling session includes an investigative interview, the employee may, if he/she requests, have a representative of his/her choice present.

3. Any probationary evaluation due at this time should reflect weak areas, outline what must be done to improve performance/standards and be marked "Retained Provisionally." Generally at least one "Retained Provisionally" evaluation should have been given to the employee. However, if the employee has been previously counseled regarding the problem area(s) of his/her performance and/or behavior, termination can be recommended even before the first probationary evaluation would be issued.
4. If sufficient improvement is not noted, the employee should be informed about his/her continuing substandard performance and/or behavior. The immediate supervisor then transmits a memorandum to his/her Management, which outlines the problem areas, the corrective steps taken and recommends probationary termination. The memorandum should include specific details of incidents or dates of occurrences and the defense provided by the employee, if any. Attached to this memorandum should be any written documentation given to the employee and any documentation received in response from the employee.
5. The memorandum should be reviewed immediately by Management who shall either
  - a) concur with the supervisor's proposed probationary termination or
  - b) recommends a different action be taken (e.g. additional counseling, training and/or special evaluation).
6. If Management recommends probationary termination, all documentation regarding the employee shall be forwarded to the Bureau Director or his or her designee for immediate review, approval and signature. The package shall then be forwarded to the Director of the Office of Management Employee Services (OMES) in sufficient time to allow a proper analysis of the facts prior to the end of the employee's probationary period.
7. The Office of Management Employee Services will review the package and, if appropriate, a Form General 77, "Notice of Discharge, Suspension, or Probationary Termination," will be signed by the Director of the Office of Management-Employee Services terminating the probationary employee. If the probationary employee being terminated will revert to his/her former Bureau/Department, Bureau Management shall alert Employment Services Section, Office of Management-Employee Services, of the tentative effective date, so that necessary preparations can be made.
8. In the case where an employee's reputation may be damaged because of the charges, i.e., theft, drug abuse, etc., he/she must be formally given an opportunity to discuss the matter with the OMES Liaison Analyst and a Representative of his/her choice. This discussion should take place with the OMES Liaison Analyst and at least one Bureau representative, including the rater or the reviewer of the probationer. It should be documented as a brief report with the final recommendation. Although it is legal to hold such a hearing after an employee has been terminated, the Department should make every effort to hold the meeting prior to any final action. If an employee recommended for termination has filed a discrimination complaint, the discrimination complaint will be considered before the recommended termination is finalized.

9. If insufficient documentation is provided to justify probationary termination, the Director of the Office of Management Employee Services shall immediately discuss this matter with the Bureau Director or designee and make an appropriate recommendation, i.e., more training or documentation. This discussion will be held promptly to ensure Management has sufficient time to correct any problems prior to the expiration of the employee's probationary period.
10. The approved Form General 77, "Notice of Discharge, Suspension, or Probationary Termination," will be transmitted to Bureau Management by the Office of Management Employee Services for immediate service on the affected employee at his/her work location. If personal service at work is not possible, the employee's copy shall be mailed to the last known address of the employee by certified mail. If service at home fails as well, the Form General 77 shall be mailed to the employee's last known address and a "certificate of mailing" be obtained from the post office. The original and two copies, along with a proof of service, completed by the individual who served the employee or obtained the "certificate of mailing", shall be returned to the Office of Management Employee Services for processing by the Civil Service Commission.
11. If Bureau Management believes a severe emergency exists, and the employee should be ordered off the job (pending action on the probationary termination), the rules of Section IV of Personnel Directive No. 21 shall be observed.

References: City Charter, Section 1011(b)

Personnel Policy No. 12, as reissued June 20, 2007

Personnel Directive No. 21, as reissued June 20, 2007

Personnel Directive No. 26, as reissued of June 20, 2007

Personnel Directive No. 31, as reissued of June, 2007