

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by 1st submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Due to time restraints, the Secretary of State's Office will no longer edit the text of proposed rules. We will continue to make numbering and labeling changes as necessary.

Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

NOTICE OF PROPOSED RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 5. DEPARTMENT OF ADMINISTRATION PERSONNEL ADMINISTRATION

PREAMBLE

1. Section Affected Rule Making Action
R2-5-213 Amend
2. The specific statutory authority for the rule making, including both the authorizing statute (general) and the statutes the rules are implementing (specific):
Authorizing statutes: A.R.S. § 41-763
Implementing statutes: A.R.S. § 41-783
3. A list of all previous notices appearing in the Register addressing the proposed rule:
Notice of Rulemaking Docket Opening: 3 A.A.R. 2307, August 22, 1997
4. The name and address of agency personnel with whom persons may communicate regarding the rules:
Name: Gordon Carrigan, Human Resources Generalist
Address: Department of Administration
1831 West Jefferson, Room 107
Phoenix, Arizona 85007
Telephone: (602) 542-4784
Fax: (602) 542-2796
5. An explanation of the rule, including the agency's reasons for initiating the rule:
The proposed rulemaking extends original probation to 1 year to conform to legislation enacted in Laws 1997, Ch. 288 and amends related subsections for housekeeping purposes.
6. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:
Not applicable
7. The preliminary summary of the economic, small business, and consumer impact:
The proposed rulemaking affects State Service employees only and will not have an impact on small businesses and consumers. There will be no economic impact, because administrative expenses related to processing the end of probation will be postponed 6 months with no additional or reduced costs.
8. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:
Name: Claudia Smith, Communications Unit Manager
Address: Department of Administration
1831 West Jefferson, Room 103
Phoenix, Arizona 85007

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Telephone: (602) 542-4894

Fax: (602) 542-2796

9. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rules or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

No public proceeding is scheduled. A person may submit written comments or a written request that an oral proceeding be held on the proposed rule. Requests must be submitted by no later than 5 p.m., October 30, 1998, to the following person:

Name: Gordon Carrigan, Human Resources Generalist
Department of Administration
1831 West Jefferson, Room 107
Phoenix, Arizona 85007

Telephone: (602) 542-4784

Fax: (602) 542-2796

10. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable.

11. Incorporations by reference and their location in the rules:

None.

12. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 5. DEPARTMENT OF ADMINISTRATION

PERSONNEL ADMINISTRATION

ARTICLE 2. EMPLOYMENT

Section

R2-5-213. Probation

ARTICLE 2. EMPLOYMENT

R2-5-213. Probation

A. No change.

B. Credit for prior service. Upon the request of an agency head, ~~the Director may credit an employee with up to six months 1 year of state service immediately prior to a probationary appointment in the same class, may be credited toward completion of the probationary period by the Director, provided that such service was achieved under the same program of orientation, training, and evaluation applied to other probationary employees. This provision for crediting The Director shall not credit prior state service does not apply to seasonal or temporary employees converted to a permanent or limited position.~~

C. Original probation.

1. Duration. ~~An The original probationary period is six months 1 year. Upon request of an agency head, the Director may establish a longer or shorter period for any class of positions in the agency. In no case will the probationary period for a class be less than 90 days or more than one year.~~

2. Extensions. An agency head may extend an employee's probationary period for job-related reasons. ~~Such an employee's probation may exceed one year in the aggregate. An agency head shall extend The the probationary period shall be extended for any corresponding period for which a probationary employee is on leave without pay for more than 80 consecutive working hours.~~

3. Completion of probation.

a. The An agency head shall evaluate a probationary employee and submit a report to the Director at

least 15 days prior to the expiration of the employee's probationary period, ~~unless the The agency head supplies to the Director, in writing, justification for a period of time may request less than 15 days by supplying justification to the Director in writing. If no action is taken by the agency head, the agency head shall award the employee shall be awarded permanent status upon the completion of the probationary period.~~

b. ~~If the An agency head determines may dismiss an employee at any time during an the original probationary period that the services of the probationary employee are no longer required for any reason or for no reason, without the right of appeal. An agency head may offer the employee may be offered a voluntary grade decrease, or be dismissed without the right of appeal. The An agency head shall furnish the employee a copy of the letter of dismissal.~~

D. Promotional probation.

1. An employee who is promoted shall serve a promotional probationary period of ~~6 months under the same rules as an original probation, except for subparagraph (C)(3)(b) above subsections (C)(2) and (c)(3)(a).~~

2. If An an employee who fails to successfully complete a promotional probation an agency head shall;

a. revert the employee to a vacancy in the current employing agency in the class in which the employee held permanent status was held immediately prior to the promotion; without the right of appeal;

b. If such a vacancy does not exist in within the agency, the agency shall follow the rules governing reduction in force shall apply.

c. A reversion shall not preclude the an agency head's imposition of any disciplinary action.

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3. An agency head shall not require an employee who is repromoted ~~shall not be required~~ to serve a probationary period.
- E. Reinstatement and reemployment. For employees reinstated or reemployed, an agency head:
 1. An ~~agency head~~ may require a former employee ~~who is reinstated or reemployed~~ to complete an original probation; or
 2. ~~An agency head~~ shall require a former employee who is reinstated or reemployed in a class other than a class the employee has previously held to complete an original probation.
- F. Demotion. Except as otherwise provided in these rules, a an agency head shall not require a demoted employee ~~shall not be required~~ to serve a probationary period in the position to which demoted.