

Action: **Rejection During Probationary Period**

Authority: Government Code sections 18670 - 18683 and 19170 - 19180; California Code of Regulations, title 2, sections 51.1 - 60.3 and 321 - 327

Filing Deadline: 15 Days after Effective Date

A department may reject an employee during the probationary period for reasons relating to the probationer's qualifications; the good of the service; and/or failure to demonstrate merit, efficiency, fitness, and moral responsibility. The department must give the employee written notice of rejection at least five working days before its effective date and copies of the materials upon which the rejection is based. The notice of rejection must be served prior to the conclusion of the probationary period, but the probationary period may be extended to allow for the 5 working days' notice required by the Skelly rule. The employee may appeal the rejection to the SPB Appeals Division within 15 days from its effective date.

Rejections during probation are part of the selection and examination process within the State civil service system. They are not considered to be discipline or adverse actions. An employee's appeal from rejection during probation may be heard by an SPB ALJ in an evidentiary hearing, assigned to an informal hearing process, or decided by investigation without a hearing. Regardless of the process utilized, the facts set forth in the notice of rejection will be presumed to be true and the employee will bear the burden of either disproving the allegations and/or proving that the rejection was based on fraud, discrimination, or bad faith.

Following consideration of the appeal, a proposed decision will be prepared, which will be reviewed by the Board in the same manner as it reviews proposed decisions in adverse action appeals.