

LAW ENFORCEMENT MERIT SYSTEM COUNCIL  
SUBSTANTIVE POLICY STATEMENT #2-2000

PROMOTIONAL EXAMINATIONS  
FOR  
REINSTATED PROBATIONARY EMPLOYEES

The Law Enforcement Merit System Council (Council) has adopted rules relating to the eligibility to take a promotional examination. This Substantive Policy Statement is to inform the general public and members of the Department of Public Safety (Department) of the Council's interpretation of the rule relating to a reinstated probationary employee's eligibility to take a promotional examination.

Rule R13-5-305.B.1.a limits a promotional examination to a qualified employee who is not serving an initial probation. This rule intended that a new employee be required to serve an **initial** probation before transferring within the Department.

A question arises when considering the probationary period of an employee who has been reinstated, or recalled. Is this probationary period considered an **initial** probation?

R13-5-316.M states if a separated employee is reinstated to a classification previously held with permanent status, the agency head **may** require the employee to serve a probationary period. Since this is an optional probationary period, it cannot be considered an **initial** probation. When a separated employee is recalled or reinstated into a classification different from any classification previously held with permanent status, the employee **shall** serve an initial probationary period.

A reinstated probationary employee will be allowed to compete for a place on an internal eligibility list. The agency head will determine if an employee will be promoted while on probation. The rule only provides an employee an opportunity to compete for the purpose of being placed on a promotional list.

Approved and entered into the minutes on June 21, 2000.

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J.G. Landau, Chairman

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G.W. McKinney, Vice-Chairman