

Law Enforcement Merit System Council

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SUBSTANTIVE POLICY STATEMENT

2-2022

This substantive policy statement is intended to inform agencies subject to the jurisdiction and rules of the Arizona Law Enforcement Merit System Council ("LEMSC" or "the Council") of LEMSC's interpretation and implementation of LEMSC rules pertaining to the right and ability of agency employees still in their initial probationary period to apply for positions within their agency that would, if they are selected, constitute a promotion. An employee on initial probation may apply for a position at the agency that would constitute a promotion as an External candidate under LEMSC Rule R13-5-302 without having to resign his or her current position with the agency. If the employee successfully completes the examination process for the higher rated position, the employee will be placed on an External Employment List and will be selected based on the hiring preferences outlined in LEMSC Rule R13-5-308. If the employee is chosen for the higher rated position, the employee does not need to resign from the agency to accept the offer to work in the higher rated position. The employee shall be placed on a new 12-month initial probation for the new position, regardless of the amount of time already served on initial probation in the previous position. If the employee is reassigned to the previous position prior to completing the initial probation for the new position, the employee must continue to serve the time remaining in the initial probationary period not already served in the previous position. For purposes of this Statement, a "higher rated position" is any position that provides a higher rate of pay, greater incremental pay increases, or greater promotional opportunities. This Statement is for clarification purposes only and does not impose any additional or different requirements on the employee or the agency.

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedure act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under section 41-1033, Arizona Revised Statutes, for a review of the statement.

Richard Walker

Richard Walker (Sep 28, 2022 16:33 PDT)

Richard K. Walker, Chair

Teri L. Mingus

Teri L. Mingus (Sep 28, 2022 21:56 PDT)

Teri L. Mingus, Vice-Chair

Rick Salyers

Rick Salyers (Oct 3, 2022 09:23 PDT)

Rick Salyers, Member

E. F. Novak

E. F. Novak (Oct 3, 2022 09:35 PDT)

Ed Novak, Member

Jennifer Pinnow

Major Jennifer Pinnow, Business Manager