

**LAW ENFORCEMENT MERIT SYSTEM COUNCIL  
SUBSTANTIVE POLICY STATEMENT #1-2010**

**SATISFYING PROMOTIONAL PROBATION**

**WHILE PERFORMING IN AN UNCOVERED APPOINTMENT**

The Law Enforcement Merit System Council (Council) adopted rules relating to satisfying promotional probation as cited in R13-5-316 B.

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 Arizona Revised Statutes section 41-1033 for a review of the statement.

The purpose of this Substantive Policy Statement is to inform the general public and employees under jurisdiction of the Council, of the Council's interpretation of the rule relating to promotional probation while serving in an uncovered appointment.

The Council reviewed the status of an employee who was placed in an uncovered appointment prior to completing the required 12 month of promotional probation. The employee performed satisfactorily, for approximately five years, at a level higher than the one in which he had attained in a merit process and the duties performed were similar in nature to his merit classification. At the termination of the appointment, the employee was returned to his previous merit classification.

The Council determined that the requirement to complete a promotional probationary period of 12 months had been satisfied because the employee's uncovered appointment was within the agency; his duties were similar in nature to his merit classification, and he performed satisfactorily in the appointed position.

Approved and entered into the minutes on February 22, 2010.

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Andrew Luck, Chair

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Gail Goodman, Vice-Chair

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Enrique Cantu, Member