NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
313

DISMISSAL OF PROBATIONARY AND TRIAL PERIOD EMPLOYEES (TEMPORARY)

Supersedes: AR 313 (08/13/10)
Effective Date: 08/11/14

AUTHORITY

NRS 209.131; NRS 284.290; NRS 284.300; NAC 284.458; NAC 284.462; NAC 284.468

RESPONSIBILITY

The Department of Corrections is responsible to ensure that any probationary employee whose conduct or work performance is found to be unsatisfactory shall be immediately rejected from their position.

313.01 DISMISSAL OF A PROBATIONARY EMPLOYEE

1. A probationary period provides management an opportunity to consider an appointee's total fitness before becoming permanent. A probationary period does not create a contractual relationship between the employee and employer.

2. During a probationary period, an employee may be rejected for any lawful reason regarding performance and/or conduct, and as determined by the Appointing Authority.

3. The Supervisor, through their appropriate chain of command, shall provide documentation concerning the employee's work performance or conduct to the Department's Human Resources Administrator or designee.

4. Each Supervisor is responsible to ensure employees are knowledgeable of their expected performance.

5. The Department's Human Resources Division will generate the final rejection letter for the Warden/Division Head's signature after Deputy Director concurrence.

   A. The Warden/Division Head will serve the rejection letter to the employee.

B. The employee will sign receipt of the rejection letter, and the serving party will fax or scan a copy of the signed rejection letter to the Department's Human Resources Division.

C. Refusal to sign the rejection letter should be documented on the letter.

D. The dismissed employee will be paid through end of shift of the day of service.

6. An employee rejected from probation has no appeal rights.

313.02 RESTORATION OF A TRIAL PERIOD EMPLOYEE

1. Any promotional appointee who fails to attain permanent status in the position to which promoted, or who is dismissed for cause other than misconduct or delinquency, either during their trial period or at the conclusion thereof, shall be restored to the position formerly held from which promoted.

2. The Department's Human Resources Division will generate all notices.

3. The restoration of a trial period employee may occur only after the supervisor, through the appropriate chain of command, obtains the concurrence of the Deputy Director. Documentation must be provided to document the employee's work performance or conduct to the Department's Human Resources Administrator or designee.

4. When the Department is restoring a trial period employee back to an outside agency, the Department's Human Resources Division must give at least a 30 day written notice to the agency prior to the effective date of restoration.

5. The Department taking action to restore the employee to his former position to an outside agency is liable for the payment of the employee during the 30-day period unless the receiving agency agrees to accept the employee before the expiration of that period.

6. Restoration of a trial period employee within the Department may be enacted as soon as feasibly possible and/or may be dependent on the incumbents being affected.

A. An employee who was permanent prior to promotion will return to his permanent status and pay progression date upon restoration to his former position.

B. An employee who was probationary prior to promotion must serve the portion of his probationary period remaining before promotion, upon restoration to his former position.

7. An employee serving a trial period may not use the grievance procedure to appeal the decision by the appointing authority to reject the employee during their trial period.

APPLICABILITY

1. This regulation applies to all employees of the Department.

2. This regulation does not require an operational procedure.

3. This regulation does not require an audit.

REFERENCES

ACA Standard 4-4061

James G. Cox
Director

8/11/14
Date