



The examples and best practices listed here are illustrative only, and are intended only for use as general advice. An appeal decision is the product of applying the Civil Service Rules, Article and Constitutional principles of Due Process to the unique facts of each case. Accordingly, these FAQ's and the HR Handbook do not predict or guarantee a particular result.

Q. Who are non-permanent employees?

A. Employees who lack permanent status.

Q. Is cause required to separate a non-permanent employee?

A. No, because the state constitution does not give a non-permanent employee a property right to his job. Non-permanent and unclassified employees are at-will employees, meaning they serve at the will of their employers.

Q. For what reason may an agency separate a non-permanent employee?

A. For any reason not prohibited by law (such as because of political ideas or affiliations, religious ideas, beliefs, or affiliations, race, birth, age, sex, culture, physical condition, etc.)

Q. What are the requirements for separating a non-permanent employee?

A. An appointing authority cannot separate a non-permanent employee retroactively; otherwise, there are no formal requirements.

Q. Should the notice separating a non-permanent employee be in writing?

A. Yes, to document the action.

Q. Must the agency give a non-permanent employee a reason for the action?

A. No.

Q. How much notice should an agency give a non-permanent employee upon separation?

A. Common courtesy requires some advance notice unless there is a reason to act immediately.

Q. Can an agency discipline a non-permanent employee?

A. Yes, although if a non-permanent employee engages in disciplinable conduct, separation is usually the appropriate option.

Q. What are the procedures for disciplining a non-permanent employee?

A. There are no legal formalities. Prior written notice is recommended.

Q. Should an agency give non-permanent employees notice of appeal rights?

A. No.

Q. Should an agency document non-permanent employees' performance?

A. Yes. Non-permanent employees have a right to appeal and/or file suit based on discrimination. Documented performance problems will aid the defense.

Q. Are there any reasons an agency must separate a non-permanent employee?

A. When ordered to do so by the Director of Civil Service under Rule 23.16 and when an employee receives a confirmed rating of “Needs Improvement” or “Unsuccessful” on their Continuous Performance Management evaluation and can’t be evaluated again before their probational period expires per Civil Service Rule 10.8 (b).