

Item: R

POLICY TITLE: Separation from District Employment

POLICY NUMBER: 2021

2021.1 Resignation: To leave District service in good standing, an employee must file a written notice of resignation with the General Manager, **Secretary, or Board President** at least two (2) weeks before the effective date of separation of employment from the District. The General Manager, **Secretary, or Board President** will immediately inform the Board of Directors. The General Manager may, however, grant good standing with less notice if it is determined the circumstances warrant. A written resignation is irrevocable and effective when filed with the General Manager, **Secretary, or Board President**. An oral resignation is irrevocable and effective when accepted by the Board.

2021.2 Layoffs: Whenever, in the judgment of the District Board of Directors, it becomes necessary, due to the lack of work, lack of funds, or other economic reason, or because the necessity for a position no longer exists, the Board of Directors may abolish any position of employment, and the employee holding such position may be laid off or offered the option of moving to another position within the District, if a position is available and if the employee is qualified without disciplinary action and without the right of appeal.

~~**2021.2.1** Notification: Employees to be laid off will be given, whenever possible, at least fourteen calendar days prior notice, if possible.~~

~~**2021.2.2** Order of Layoff: Employees are generally laid off in the inverse order of their seniority in their classification in the department, although this order is subject to business needs. Seniority is determined based upon date of hire in the department. Within each class, and subject to business needs, employees will generally be laid off in the following order: temporary, part-time, probationary, and regular.~~

~~In cases where there are two (2) or more employees in the classification in the department from which the layoff is to be made who have the same seniority date, such employees will be laid off on the basis of the last evaluation rating in the class, providing such rating has been on file at least thirty (30) days and no more than twelve (12) months prior to lay off, as follows: (1) all employees having ratings of "Poor"; (2) all employees having ratings of "Below Average"; (3) all employees having ratings of "Satisfactory"; (4) all employees having ratings of "Above Average"; (5) all employees having rating of "Excellent".~~

~~**2021.2.3** Transfer in Lieu of Layoff: An employee affected by layoff may be transferred to a vacant position within the same or comparable classification, or a vacant position in any former classification, first within the affected department and then District-wide, which the employee once held as a regular employee, provided that the employee meets the minimum qualifications of said positions and the compensation is at the same or lower rate of pay.~~

~~**2021.2.4** Re-employment Rights for Laid-off Employees: Regular employees who have been laid off~~

shall be automatically placed on a re-employment list for two (2) years from the date of layoff for the classification from which they were laid off.

2021.2.5 — ~~Mass Layoff: If the District finds it necessary to enforce a mass layoff, it must provide at least a sixty (60) day notice prior to the mass layoff. A mass layoff is defined as job loss for at least fifty (50) employees in a thirty (30) day period. California's WARN Act, codified in Labor Code Sections 1400-1408, also applies to the closing of an industrial or commercial facility with at least seventy-five (75) employees, or the relocation of an industrial or commercial facility with at least seventy-five (75) employees to a location at least one hundred (100) miles away.~~

2021.3 Dismissal of Regular Employees. A regular employee may be dismissed at any time by the General Manager for cause and after following the proper disciplinary termination procedures as outlined in the "Disciplinary Termination" section of these policies.

2021.3.1 A probationary employee may be terminated at any time during a probationary period without right of appeal or hearing. In case of such termination, the General Manager shall notify the probationary employee in writing that he or she is being separated from District service.

~~3136.3.2~~ — ~~Dismissal of the General Manager shall be as outlined in the employment agreement between the General Manager and the District.~~

2021.4 Exit Interview: For the purpose of ascertaining potential eligibility for unemployment insurance benefits, all employees separating from the District for any reason shall be given an interview prior to termination. The interview shall be conducted by the General Manager or a representative of the General Manager and shall produce specific information as to the causes and reasons for the separation. The information shall be recorded on a standard form provided by the District, which the employee shall be required to sign. A copy of the complete report shall be transmitted to the employee's immediate supervisor and General Manager for comment and be returned for retention in the employee's personnel file.

2021.5 Property Return Agreement. Upon employment with the District, each employee may complete a Property Return Agreement if they receive any District property. Property includes, but is not limited to, laptops, cell phones, PDAs, equipment, keys, reports, proprietary information, and any other job related materials. All District property must be returned prior to departure.

2021.6 Employment Reference Checks: All inquiries regarding a current or former District employee must be referred to the General Manager. Should an employee receive a written request for a reference, he or she must refer the request to the General Manager for handling. Employees may not issue a reference letter to any current or former employee without the written permission of the General Manager.

Under no circumstances should an employee release any information about a current or former employee over the telephone. All telephone inquiries regarding any current or former employees of the District must be referred to the General Manager.

In response to an outside request for information regarding a current or former District employee, the General Manager will only verify an employee's name, date of employment, and job title. No other data regarding any current or former District employee will be released unless the employee authorizes the District to release such information in writing, or the District is required by law to furnish any information.

If, however, an employee is contacted to give a personal reference regarding a current or former District employee, he or she is permitted to do so and should emphasize to the inquirer that the reference is personal only and not on behalf of the District. Failure to follow these directions may be cause for disciplinary action up to and including termination.

2021.7 All references to General Manager shall be handled by the Board President should there be no General Manager at that time.

Approved on August 27, 2024