

**POLICY TITLE: Separation from District Employment**  
**POLICY NUMBER: 2021**

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The purpose of this Policy is to establish procedures for employee separation from the District by resignation, termination, or reduction in force. The procedures in this Policy are designed to provide the least amount of disruption and inconvenience to the employee and the District, while simultaneously allowing for the proper transition of duties.

### **Section 1. 2021.1 Resignation:**

In the absence of a specific written agreement, an employee can resign from District employment at any time and for any reason, either verbally or in writing. To leave District service in good standing, however, an employee must file a written notice of resignation with the General Manager, District Secretary, or Board President at least two (2) weeks before the effective date of separation of employment from the District. ~~The General Manager, District 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. At the General Manager's discretion, the resigning employee may be required to immediately return all District property in his/her possession and/or be placed on paid administrative leave for the duration of his/her employment through the effective date of separation of employment from the District. The General Manager, District Secretary, or Board President will shall immediately inform the Board of Directors about an employee resignation. A written resignation is generally irrevocable and effective when filed with the General Manager, District Secretary, or Board President. An oral resignation is generally irrevocable and effective when accepted by the Board. Resignations may only be withdrawn with the express written approval of the General Manager.

### **2021.2 Section 2. Reduction in Workforce (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 reasons, ~~material change in duties, curtailment of public services,~~ or because the necessity for a position no longer exists, the Board of Directors may abolish any position of employment ~~with the District,~~ and/or the employee holding such position may be laid off ~~by the General Manager 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.~~ A layoff by the District is not subject to grievance ~~or and without~~ the right of appeal. Prior to being laid off, the District shall provide the employee with at least two (2) weeks prior written notice, or as much notice as is practicable. The District may, at its sole and absolute discretion, offer an employee who is laid off the option of moving to another position within the District, if another position is available and the employee is qualified without disciplinary action. Nothing in the District's layoff procedures changes the at-will nature of District employment, nor is it intended to grant any rights to the laid off employee relating to continued or future employment with the District.

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 layoff, 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~~ **Section 3. Dismissal of Regular Employees**

~~All District employees are at-will employees and may be dismissed from District employment at any time. Whenever it is the recommendation of a supervisor to discharge an employee, the approval of the General Manager is required.~~

~~—A regular employee may be dismissed from District employment 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 Board Policies.~~

~~2021.~~

~~3.1 — A probationary employee may be ~~terminated~~dismissed from District employment at any time, with or without cause, during a probationary period without any grievance or right of appeal or hearing. In case of such ~~termination~~dismissal, 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~~ **Section 4. Exit Interview**

~~— For the purpose of ascertaining potential eligibility for unemployment insurance benefits, a~~All employees separating from the District for any reason shall be given an exit interview prior to the effective date of separation from the District~~termination~~. The interview shall be conducted by the General Manager, or his/her representative, ~~of the General Manager~~ and shall produce specific information as to the causes and reasons for the employee's separation from the District. The information discussed in the exist interview shall be recorded on a standard form provided by the District, which the employee shall be required to sign. A copy of the complete

exit interview report shall be transmitted to the employee's immediate supervisor and General Manager for comment, and thereafter, shall be returned for retention in the employee's personnel file.

#### **2021.5Section 5.      Return of District Property-Return Agreement**

–Upon the commencement of employment with the District, each employee must complete a Property Return Agreement if the employee receives any District property. The Property Return Agreement shall be modified, as necessary, to account for all District property that has been issued to an employee during the course of employment with the District. District Property includes, but is not limited to, laptops, computers, cell phones, PDAs, equipment, tools, supplies, keys, key cards, identification cards/badges, credit cards, procurement cards, reports, proprietary information, and any other job-related job-related documents, items and materials owned by the District that are in the employee's possession. All District property must be returned to the District prior to the employee's departure from the District.

#### **2021.6Section 6.      Employment Reference Checks/Verification of Employment**

–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. District eEmployees may not issue a reference letter to or regarding any current or former employee without the express written permission of the General Manager.

Under no circumstances should shall a District 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, dates of employment, and job title. No other data regarding any current or former District employee will shall be released, unless the current or former District employee authorizes the District to release such information in writing, or the District is required by law to furnish any such information.

If, however, a District 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 is not being made on behalf of the District. Failure to follow these directions may be cause for disciplinary action by the District, up to and including termination.

#### **2021.7Section 7.      References to General Manager**

All references to duties of the General Manager in this Policy shall be referred to and handled by the District Secretary or Board President in the absence of the General Manager, or should there be no General Manager employed with the District at that any given time.

**Revised, Approved and Adopted on September 24, 2024**  
**October 21, 2024**