

BEAUMONT-CHERRY VALLEY WATER DISTRICT

POLICY TITLE: EMPLOYEE STATUS

HAND-OUT

POLICY NUMBER: 3000

3000.1 At Will. All employment at the District is “at will.” This means that either the employee or the District may end the employment relationship at any time, with or without advance notice and with or without cause. Provided, however, that discipline, grievance, layoff, and other similar procedures in a Memorandum of Understanding (MOU) or written employment agreement will apply while in force, but are not intended to alter the at-will nature of the employment relationship. The at-will nature of the employment relationship can only be changed by a clear and unambiguous intent to alter the at-will nature of employment made in an MOU or written employment agreement approved by the District Board and signed by or on behalf of the employee involved. Any reference in this Manual to discipline is not intended to change the at-will nature of the employment relationship or to restrict either the employee’s or the District’s options under the “at-will” employment policy.

3000.2 Regular Full-Time Employee. A “Regular” employee is one who has been hired to fill a regular position in any job classification and has completed their ~~introductory~~ probationary period except as otherwise required by law. Full-Time Employment is defined as a 40-hour average workweek. Regular employees are compensated according to the District Salary Schedule as approved by the Board of Directors. Regular, Full-Time Employees will be eligible for benefits in accordance with their classification and employee group.

3000.3 Probationary Periods

3003.3.1 Introductory Newly Hired and Rehired Employees. All newly hired ~~and rehired~~ employees serve a ~~probationary~~ introductory period ~~for the first six (6) months from hire or rehire date.~~ The ~~introductory~~ probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The District uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the District may end the employment relationship at will at any time during or after the ~~introductory~~ probationary period, with or without cause or advance notice. All ~~newly hired and~~ (including rehired) employees work on an ~~introductory~~ probationary basis for the first 6 months after their date of hire ~~or rehire~~. Any ~~unauthorized significant~~ absence will automatically extend an ~~introductory~~ probationary period by the length of the ~~unauthorized~~ absence. If the District determines that the designated ~~probationary~~ introductory period does not allow sufficient time to thoroughly evaluate the employee’s performance, the ~~introductory~~ probationary period may be extended one time for a total of up to 12 months at the discretion of the General Manager or ~~their~~ his/her designee.

~~3000.4 Upon successful completion of the introductory period, full time employees enter the “regular” employment classification. Successful completion of the introductory period does not guarantee employment for any specific duration or change the at-will status of regular employment.~~

3000.3.2.5 Promoted Employees. Current employees who are promoted ~~or transferred~~ to a new classification will serve an ~~introductory~~ probationary period for the first ~~six (6)~~ months ~~from after his/her their effective~~ date of appointment. ~~Employees who are reclassified will not serve an introductory period for an updated job title.~~ In the event that a promoted ~~or transferred~~ employee is not able to satisfactorily complete ~~their his/her~~ introductory probationary period in the new role, ~~they he/she~~ may resume ~~their his/her~~ former position if it is ~~available, needed~~ or budgeted within the current fiscal year ~~vacant~~. However, the District reserves the right to fill vacant positions,

Commented [BR(1): To be in alignment with the previously approved policies, staff changed the language from “Introductory” to “Probationary” as this is used profoundly in the public agency setting.

Commented [BR(2): Relocated to Section 3000.3.5

Commented [BR(3): This was removed as this is not currently the District’s practice.

BEAUMONT-CHERRY VALLEY WATER DISTRICT

and the option to resume a former position is not guaranteed. If the ~~former~~ position is not available, ~~the employee may be placed on a Performance Improvement Plan (PIP) for no more than six (6) months, subjected to progressive corrective action, up to and including termination of employment if necessary; the introductory period may be extended at the discretion of the General Manager or their designee, or the employee may be terminated from employment. Additionally, if the employee is not able to satisfactorily complete their introductory period due to violation(s) of policy, they will not be eligible to resume their former position, and may experience disciplinary action, up to and including termination of employment.~~

Commented [BR(4)]: Revised this section to align with other sections' provisions.

3000.3.3 Transferred and/or Voluntary Demoted Employees. See Policy 3176 for more information.

3000.3.4 Reclassified Position. Current employees whose position is reclassified will serve a probationary period for the first six (6) months from the effective date of position reclassification. In the event that a promoted employee is not able to satisfactorily complete his/her probationary period in the reclassified role, ~~the employee may be placed on a Performance Improvement Plan (PIP) for no more than six (6) months, subjected to progressive corrective action, up to and including termination of employment if necessary.~~

Commented [BR(5)]: Added to provide section for employees under reclassified positions

3000.3.56 Introductory-Probationary Evaluation. At the conclusion of the ~~introductory-probationary~~ period, employees will receive a performance evaluation ~~from their supervisor~~ to assess whether the ~~introductory probationary~~ period is successfully completed. ~~Upon successful completion of the probationary period, full-time employees enter the "regular" employment classification. Successful completion of the probationary period does not guarantee employment for any specific duration or change the at-will status of regular employment. The completion of the introductory-probationary period is not eligible for a merit increase. (See Policy 3010-Employee Performance Evaluation and Procedure.)~~

3000.47 Temporary Employee. A temporary employee is defined as anyone hired for a period of 6 months or less. Employees hired to replace a regular employee who is on a leave of absence shall be hired as temporary employees. Temporary Employees may not work more than 1,000 hours or 125 days in a CalPERS fiscal year (July 1-June 30). Retired Annuitants from CalPERS may not work in excess of 960 hours in a CalPERS fiscal year, ~~and must otherwise meet all of the requirements for working after retirement.~~

- ~~1. Part Time, Temporary Employee. A temporary employee working less than 40 hours per week on average in a temporary position is a Part-Time, Temporary Employee. Part-Time, Temporary Employees may work in their positions for up to 12 months but may not work in excess of 1,000 hours (960 hours for Retired Annuitants) in a CalPERS fiscal year (July 1-June 30).~~

Commented [BR(6)]: The District does not hire a part-time, temporary employee.

3000.58 Part-Time Employee. A "Part-time" employee is one who is hired to work within any job classification, but whose position is not regular in nature. The part-time employee works whenever the District's workload increases to a level that a regular employee cannot accommodate or when other factors make part-time employment advantageous. On average, part-time employees may not work more than 20 hours per week. They may also work standby as discussed in Policy 3055 if required by their job classification.

3000.6 Benefits for Temporary and Part-Time Employees.

- A.** A temporary ~~or part-time~~ employee will not be eligible for fringe benefits including holiday pay, vacation pay, jury duty pay, health insurance coverage, bereavement pay, ~~or items of a similar nature, nor will they he/she accrue~~ seniority or leave of absence rights, except where required

Commented [RTG7]: This would depend on their hours and length of employment.

Commented [BR(8R7)]: Policy Section 3000.4 States that Temp Employees cannot go beyond 6 months/1,000 hours so no need to follow the law regarding health insurance coverage.

BEAUMONT-CHERRY VALLEY WATER DISTRICT

by law. Temporary ~~or Part-Time~~ employees are eligible for the Employee Assistance Program (EAP), standard life insurance, standard Accidental Death & Dismemberment (AD&D) insurance, and may be eligible to purchase dental and vision insurance or ancillary benefits at their own ~~discretion option and cost expense~~.

B. Part-time employees are generally not eligible for fringe benefits such as holiday pay, vacation pay, jury duty pay, bereavement leave, or other similar forms of paid leave, nor are they eligible for seniority accrual or leave of absence rights, except as required by law. However, under the Public Employees' Medical and Hospital Care Act (PEMHCA), part-time employees who work at least 20 hours per week for a period exceeding six (6) months are eligible for District-sponsored health insurance coverage. In addition, part-time employees are eligible for the Employee Assistance Program (EAP), standard life insurance, and standard Accidental Death & Dismemberment (AD&D) insurance. They may also elect to purchase dental, vision, or other ancillary insurance benefits at their own expense, if offered by the District.

4.

2.C. In accordance with the California Labor Code, a temporary or part-time employee will accrue paid sick leave as of the first day of employment at a rate of 1 hour for every 30 hours worked provided that the employee has worked for 30 or more days within a year from the beginning of employment. The temporary or part-time employee will be eligible to take paid sick leave after the 90th day of employment. The employee shall be limited to an annual accrued sick leave limit of 24 hours annually. For Paid Sick Leave accrual provisions for temporary and part-time employees, please refer to Policy 3085 for more information.

Commented [BR(9): This is stricken out due to the new CA Sick Leave Law effective 1/1/2024. The provisions of the new law is covered by Policy 3085 Sick Leave