
Butte County Mosquito and Vector Control District

POLICY MANUAL

POLICY TITLE: Dismissal of Employees
POLICY NUMBER: 7110

7110.1 Dismissal of Probationary Employees. 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 District Manager shall notify the probationary employee in writing that he/she is being separated from District service and the effective date of separation.

7110.2 Dismissal of Seasonal Employees. Seasonal employees are at will and may be terminated at any time with or without cause and with or without notice.

7110.3 Dismissal of All Other Employees. All employees other than seasonal and probationary employees may be dismissed at any time by the District Manager for cause. For purposes of this policy, employees other than seasonal or probationary employees shall be referred to as “tenured employees”.

7110.4 The following shall constitute sufficient cause for dismissal:

7110.4.1 Conviction of a felony;

7110.4.2 Fraud in securing employment;

7110.4.3 Misappropriation of District funds or property;

7110.4.4 Intentional or gross misconduct; and,

7110.4.5 Any cause outlined in Section 7260.3, "Grounds for Discipline".

7110.4.6 Incapacity due to mental or physical disability rendering the employee unable to perform job duties, with or without reasonable accommodations.

7110.5 Dismissal of the District Manager shall be as outlined in the employment agreement between the District Manager and the District.

7110.6 Notice of Dismissal. All tenured employees shall be provided with a notice of dismissal which shall contain the following:

7110.6.1 A description of the proposed action and its effective date or dates;

7110.6.2 A statement of the acts or omissions upon which the action is based;

7110.6.3 A statement that a copy of the materials upon which the action is based are attached or available for inspection upon request;

7110.6.4 A statement describing the employee's pre-disciplinary meeting rights; and

7110.6.5 A statement advising the employee of post-disciplinary appeal rights.

7110.7 Procedures for Dismissal of Employees.

7110.7.1 An tenured employee, upon receipt of a notice of dismissal, may request a pre-disciplinary meeting with the District Manager within five working days of the date of the notification. The District Manager shall then schedule a meeting at which time the employee may answer the charges against him/her, present any mitigating evidence, or otherwise respond to the notice of dismissal.

This pre-disciplinary meeting is not an evidentiary hearing. Nothing precludes an employee from submitting a written response to the notice in lieu of or in addition to this pre-disciplinary meeting.

After the completion of the pre-disciplinary due process, if the District decides to impose dismissal, the District shall provide a written notice which shall include (1) a description of the proposed action and its effective date or dates; (2) a statement of the acts or omissions upon which the action is based; (3) a statement that a copy of the materials upon which the action is based are attached or available for inspection upon request; and (4) a statement advising the employee of post-disciplinary appeal rights.

7110.7.2 Within ten working days of service of the Notice of Dismissal, an employee may appeal the decision to the Governing Board of Directors. Once requested, the District shall schedule the hearing with the Governing Board. The issues to be addressed by the Board are (1) does the evidence presented establish grounds for dismissal; and (2) does the penalty imposed constitute an abuse of discretion by management. The appeal hearing is informal and is not subject to the technical rules of evidence. The District and the employee may have a representative of their choice, may present witnesses, cross-examine witnesses, and submit written and/or other physical evidence. After the hearing is complete, the Board shall issue a decision as to whether the preponderance of the evidence establish the grounds for dismissal, and whether the penalty imposed constitutes an abuse of discretion by management. The Governing Board may have legal counsel independent of the District's representative to assist the Governing Board with preparation of the final ruling. The Governing Board's written decision shall be final and binding.