

**EASTERN MUNICIPAL WATER DISTRICT
HUMAN RESOURCE MANAGEMENT
POLICIES AND PROCEDURES**



SECTION: Failure to Maintain Minimum Qualifications Policy	DATE: September 30, 2009	PREPARED BY: Human Resources
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BACKGROUND

It is the policy of the District that all employees are expected to maintain the minimum job requirements as stipulated in official District job descriptions. Failure to do so often results in employees being unable to perform the essential duties of their jobs. Having a required certificate or license revoked or suspended are two common events leading to a failure to maintain minimum job requirements. The purpose of this policy is to promote the fair and consistent treatment of employees who fail to maintain the minimum job qualifications as stipulated within their official District job description.

POLICY

The District provides up to 180 calendar days (or one test cycle and results of the test) of accommodation for employees who fail to maintain minimum job qualifications. The District will not initiate corrective action as provided by the Employee Discipline Policy until after this accommodation period. During the accommodation period employees are required to gain reinstatement of any and all job required qualifications. Employees may also seek another available vacant position during this time. This "180 day accommodation period" begins the date a job required certification, driver's license or other required license is revoked or suspended. This period also applies to employees who fail to maintain insurability under the District's Vehicle Insurance Policy where such coverage is a job requirement stipulated in official District job descriptions. Prior notification must be given by Risk Management if there is a change in the District's insurance policy (insurability).

PROCEDURE

Eligibility:

Employment Status

The 180 day accommodation period is limited to regular part-time and full-time employees. Probationary and temporary employees who fail to maintain a required valid driver's license or insurability under the District's Vehicle Insurance Policy are not eligible for the 180 day accommodation period and are subject to immediate discharge.

Reporting Requirement

Employees must immediately report any circumstances that could lead to a failure to maintain minimum job qualifications (e.g., expiration of job related certifications, DUI citations or other traffic violations that could place the employee's driver's license or continued insurability at risk, etc.). Specifically, this information must be reported to the

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employee's immediate supervisor or department director at the earliest time possible and not later than the first workday following an incident.

Failure to report an incident such as a DUI or other incident that may lead to a failure to maintain job required qualifications waives any rights to the 180 day accommodation period.

180 Calendar Day Accommodation Periods

Employees who fail to maintain required minimum job qualifications may be able to continue working within their current department in many cases. For example, if the employee's department can have the employee work under the supervision of another certified employee, that employee may be allowed to continue performing his or her regular duties. In the case of a suspended driver's license, an employee may ride with others where it does not create an undue burden for the department. Only the employee's department head (e.g., department director or above) may authorize such accommodations.

Under no circumstances is an employee to perform duties without proper certification in violation of law or regulation. Moreover, no employee may operate a District vehicle or a personal vehicle on District business without a valid driver's license.

Eligible employees are encouraged to use this 180 day accommodation period to gain reinstatement of all required certifications or driving privileges. Employees may also use this time to apply for other available job vacancies in classifications they are qualified to perform.

In cases where employees cannot be accommodated within their department, the employee may be allowed to serve 180 calendar days in another department where they are qualified and such work is available. All employees to be accommodated outside their departments must have immediate supervision available for the duration of the 180 day accommodation period.

If an eligible employee is unable to regain all required minimum job qualifications within the 180 calendar day accommodation period, a Notice of Proposed disciplinary action will be prepared and served to the employee in accordance with the District's Employee Discipline Policy.

AUTHORIZED SIGNATURE ON FILE