



CITY OF VISALIA PERSONNEL POLICY
Policy #102
Employment Status

I. PURPOSE

This policy establishes definitions and the conditions related to each category of City employment.

II. EMPLOYMENT STATUS DEFINITIONS

A. Hourly Employee

An hourly employee is a person who is appointed to an extra help non-allocated position. The hourly employee is paid on an hourly basis for time actually worked. Hourly employees are not eligible for any City benefits except those mandated by State and/or Federal law.

The hourly employee or the City can at any time terminate the at-will employment relationship without cause or right to appeal or grievance procedures except as otherwise provided by law.

B. Probationary Employee

A probationary employee is a person who is appointed to an allocated position, and is serving the probationary period for that position. The probationary period is part of the selection process and a time during which the City determines whether work performance and work-related behavior meets the required standards of the position.

C. Regular Employee

A regular employee is a person who is appointed to an allocated position and has successfully completed the probationary period. Regular employees may be appointed to full-time or part-time allocated positions.

D. At-Will Employee

An at-will employee is a person who is appointed to the position of City Manager, Department Head, serves as an hourly employee or under a contract, or any other specifically designated position. Employees in this category do not hold regular status and serve at the discretion or direction of the City Manager, City Council, or Department Head and may be demoted, reduced in pay, suspended or terminated at any time without cause or right to review or appeal.

E. Contract Employee

A contract employee is an individual hired under an employment contract. The terms of employment and benefits are set solely by the contract. A contract employee does not hold regular status, does not serve a probationary period, and has no right to continued employment



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F. Volunteer Worker

A volunteer worker is a person who volunteers or donates services, usually on a part-time basis, for public service and/or humanitarian objectives. Volunteer workers are not City employees. Volunteer workers are not paid a salary but may receive reasonable stipends and reimbursement for expenses. Examples of volunteer workers include those that participate in the Volunteers In Police Service, Retired Senior Volunteer, and the Reserve Programs.

III. FAIR LABOR STANDARDS ACT (FLSA) STATUS

City positions are designated as exempt, non-exempt, or 7(K) non-exempt in compliance with the Fair Labor Standards Act (FLSA).

A. Exempt Employees

Exempt employees are those employees who meet one or more of the exemptions from overtime under the FLSA, (e.g. executive, administrative, professional) and who are paid on a salary basis. The exempt employee is compensated in a predetermined amount that is not reduced, regardless of the quality or quantity of work actually performed, except as outlined in City Policy #206 Leave Usage for FLSA Exempt Employees. An FLSA-Exempt employee is not entitled to overtime compensation.

B. Non-Exempt Employees

Non-exempt employees are those employees in positions that do not qualify for exemption from the overtime provisions of the FLSA. Non-exempt employees are entitled to FLSA overtime, regardless of whether paid on a salary or hourly basis. Non-exempt non-7K employees have a seven (7)-day forty (40)-hour work period, and are paid overtime pursuant to the FLSA and in accordance with Memorandum of Understanding provisions.

C. 7K Non-Exempt Employees

7K non-exempt employees are those fire and police employees as defined by the FLSA and as designated by the City, in positions that do not qualify for exemption from the overtime provisions of the FLSA. 7K non-exempt employees can have a work period of seven (7) to twenty-eight (28) days, and are paid overtime pursuant to the FLSA. 7K schedules are established by Memorandum of Understanding.

D. Volunteer Workers

Volunteer workers are those individuals who donate their services for public service and/or humanitarian reasons and are exempt from all provisions of FLSA.

IV. POSITION ALLOCATION

City positions are designated as allocated or non-allocated.



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A. Allocated Position

An allocated position is authorized and budgeted as a regular position by the City Manager and/or City Council. Regular allocated positions are assigned a specific job title, duties, functions, minimum qualifications and salary range.

B. Non-Allocated Position

A non-allocated position includes those jobs normally associated with contract, temporary and hourly employment. A non-allocated position is authorized by the City Manager and appointed by the Department Head.

Applicable Laws: FLSA