



# Oklahoma Conservation Commission

## District Directors' Responsibilities:

### A 10-Minute Guide Series

This is one in a continuing series of informational/discussion topics designed to help conservation district directors become more informed and knowledgeable about their responsibilities. It is suggested that board members review these guides before a board meeting and then have a ten minute discussion on them at a meeting.

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## *Guide No. 17 - Understanding the Terms of "At-Will Employees"*

### **Background**

Title 27A of the Oklahoma Statutes, the Conservation District Act, is the guiding legislation for Conservation Districts. The act was amended this year with the passage of Senate Bill 1766.

One of the provisions within the bill, Section 3-3-103 A, specifically defines the employment status of conservation district employees. The section states: "The directors of a district may employ a secretary, technical experts and other employees as necessary and determine their duties and compensation. Employees of a conservation district are at-will employees."

With this clarification to the act it has become necessary to modify the terms of employment set in place for each conservation district employee.

### **What are the Terms of Employment?**

On the back side of this guide is a copy of the new Terms of Employment for each conservation district to adopt and employee to sign. The Terms outline the title, rate of pay, and Fair Labor Standards Act Status. The Terms also outline the workweek, days, and hours as well as leave accruals and other pertinent information. The final part of the document communicates to the employee the district's policy of at-will employment.

### **What Does it Mean to be At-Will?**

Conservation District Boards are responsible for hiring, supervising and terminating employees. District employees are not state employees, but are employees of the individual conservation districts. All district employees are and have always been at-will employees. This means that an employee may quit at any time without having to justify his or her decision, and the district has the right to terminate an employee at any time, at will, with or without cause.

Neither a conservation district, its board or its staff should guarantee or promise that any employee will continue to have a job with the conservation district for any particular period of time. It should remain within the board's sole discretion to make the determination of whether to terminate an employee and when to terminate an employee. No staff person of the district should be given the authority to make any contrary representations to an employee or to any prospective employee.

The Board should endeavor to have a sound business reason for terminating an employee, have documentation and evidence to support any personnel decision(s). The board of directors and supervisory staff should generally adhere to progressive discipline, but retain the discretion not to. Additionally, all personnel decisions should be made on the basis of the best business interests of the district, it's lawful, efficient and effective operation.

### **Managing District Employees**

As noted in the 10-minute guide #3 – Hiring, Supervising, and managing district employees, conservation districts need to maintain a workplace structure that provides good communication with employees and a means to deal with any personnel issues. The basis of this is an accurate position description, objective performance standards, an established system for periodic performance reviews and district policies that provide guidance to employees.

*Prepared by :*  
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## TERMS OF AT-WILL EMPLOYMENT

Conservation District	
Employee	Title
Status	<input type="checkbox"/> Full-time <input type="checkbox"/> Part-time <input type="checkbox"/> Temporary / Seasonal
Salary	<input type="checkbox"/> Hourly <input type="checkbox"/> Monthly <input type="checkbox"/> Annually
Rate of Pay	\$_____ per hour from OCC reimbursed funds \$_____ per hour from district funds
FLSA Status	<input type="checkbox"/> Exempt <input type="checkbox"/> Non-exempt
If Non-exempt (check one)	<input type="checkbox"/> Overtime to be paid from locally earned funds <input type="checkbox"/> Overtime to be compensated in time off with pay
Workweek Begins	Workweek Ends
Work Days	Work Hours
Lunch Time	Break Times
Hours of Annual Leave Accrued per month	Hours of Sick Leave Accrued per month
Holiday Pay <input type="checkbox"/> Yes <input type="checkbox"/> No	Health Insurance <input type="checkbox"/> Yes <input type="checkbox"/> No
Immediate Supervisor	Positions Employee Supervises
District Vehicles and Equipment Allowed to Use	
Duties	<b>Attach copy of job description</b>
Other Stipulations	
<p>This form is designed to communicate to and obtain from the employee an acknowledgement of the general terms of his or her employment. The Conservation District maintains a strict policy of at-will employment with respect to both the duration and the terms and conditions of the employment relationship. This means the district reserves the legal right to change the terms and conditions of the employment relationship, or to terminate that relationship, at-will, with or without cause or prior notice. This policy of at-will employment is not subject to change and includes but is not limited to appointment, promotion, demotion, discipline and termination.</p>	
<p>The terms of employment were set forth by the board of directors in a duly convened board meeting on the _____ day of _____, 20_____.</p>	
Signature of Chair	Date
<p>I have read this form, and I understand and agree to all terms of employment on this form. I understand that only the board of directors has the legal authority to establish my pay, appoint, reappoint, terminate, or in any way affect my employment status. I accept and agree that any oral or written promises by any other person are not binding upon the district.</p>	
Employee Signature	Date