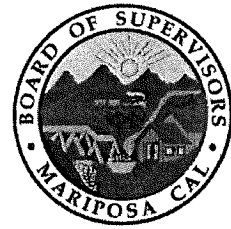




MARIPOSA COUNTY

Auditor ·



RESOLUTION - ACTION REQUESTED 2015-293

MEETING: June 23, 2015
TO: The Board of Supervisors
FROM: Debbie Isaacs, Auditor
RE: Extra-Help Paid Sick Leave Policy

RECOMMENDATION AND JUSTIFICATION:

Adopt a Resolution approving a Paid Sick Leave Policy for Mariposa County Extra-Help employees effective July 1, 2015. Assembly Bill 1522 - Healthy Workplaces/Health Families Act of 2014, that was signed by the Governor on September 10, 2014, requires that employees who on or after July 1, 2015, work in California for 30 or more days within a year, will earn at least one-hour of paid sick leave for every 30 hours worked. An employer may limit the amount of paid sick leave an employee can use in one year to 24 hours or three days. Accrued paid sick leave may be carried over to the next year, but it may be capped at 48 hours or six days. Please see the attached Policy for additional information on the criteria for accruing and using paid sick leave.

Currently Extra-Help employees do not earn vacation or sick leave, but are simply unpaid when taking time off from work. Permanent Part-Time and Full Time county employees accrue vacation and sick leave per the conditions contained in the respective Memorandums of Understanding. Department Heads and Elected Officials do not accrue vacation or sick leave, but are not covered by this law.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has approved various policies/procedures that adhere to State and Federal labor laws.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not adopt the Resolution approving Paid Sick Leave Policy for Mariposa County Extra-Help employees. Mariposa County would be out of compliance with California HEALTHY WORKPLACES/HEALTHY FAMILIES ACT OF 2014.

FINANCIAL IMPACT:

The County will now owe extra-help employees 1 hour of paid sick leave per 30 hours worked, not to exceed 24 hours paid in a 12 month period.

ATTACHMENTS:

RESOLUTION TO ADOPT PAID SICK LEAVE POLICY (DOC)
Paid Sick Leave Policy (DOCX)

Resolution - Action Requested 2015-293

Poster (PDF)

CAO RECOMMENDATION

Requested Action Recommended

Mary Hodson

Mary Hodson, CAO

6/18/2015

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Rosemarie Smallcombe, District I Supervisor

AYES: Smallcombe, Jones, Long, Cann, Carrier

MARIPOSA COUNTY RESOLUTION NO. 15-293

**PAID SICK LEAVE POLICY FOR
MARIPOSA COUNTY EXTRA-HELP EMPLOYEES**

WHEREAS, implementation of a new Mariposa County policy regarding paid sick leave for part-time, temporary, and seasonal Extra-Help employees is needed effective July 1, 2015, according to California's Paid Sick Leave law requirements; and

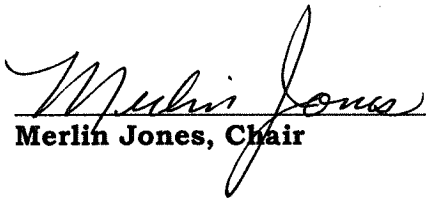
WHEREAS, a copy of the new policy is attached hereto as Exhibit A; and

WHEREAS, a copy of the new poster explaining Healthy Workplaces/Healthy Families Act of 2014 to display in each Mariposa County department location, is attached hereto as Exhibit B.


NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors of the County of Mariposa hereby establishes the Paid Sick Leave Policy for Extra-Help employees, a copy of which is attached hereto as Exhibit A.

PASSED AND ADOPTED this 23rd day of June, 2015, by the following vote:

AYES: Smallcombe, Jones, Long, Cann, Carrier
NOES: None
ABSTAINED: None
EXCUSED: None


Merlin Jones, Chair

ATTEST:


Rene' LaRoche, Clerk of the Board

APPROVED AS TO FORM:


Steven W. Dahlem, County Counsel

EXHIBIT A

PAID SICK LEAVE POLICY FOR EXTRA-HELP EMPLOYEES

This Paid Sick Leave Policy applies only to part-time, temporary, and seasonal Extra-Help employees, hereinafter referred to as Employee or Employees.

Effective July 1, 2015, California's Paid Sick Leave law requires the County of Mariposa to provide paid sick leave to Employees under the following conditions:

- An Employee begins to accrue paid sick leave at the rate of one (1) hour of paid sick leave for every thirty (30) hours worked beginning on the first day of employment. An Employee is not eligible to begin using any accrued paid sick leave until after ninety (90) days of employment with the County.
- An Employee is only allowed to use up to a maximum of three (3) days or twenty-four (24) hours, whichever is greater, of paid sick leave in a twelve (12) month period.
- An employee can only accrue paid sick leave up to a cap of six (6) days or forty-eight (48) hours ongoing. Any unused accrued paid sick leave does carryover year-to-year while continuously employed.

In accordance with California's Paid Sick Leave law, an Employee may use three (3) days or twenty-four (24) hours of accrued paid sick leave in a twelve (12) month period for one of the following reasons:

- For the Employee's own diagnosis, care, or treatment of an existing health condition or preventative care.
- For the diagnosis, care, or treatment of an existing health condition or preventative care for an Employee's family member, including:
 - *Child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the Employee stands in loco parentis).*
 - *Spouse or Registered Domestic Partner.*
 - *Parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an Employee or the Employee's spouse or registered domestic partner, or a person who stood in loco parentis when the Employee was a minor child).*
 - *Grandparent.*
 - *Grandchild.*
 - *Sibling.*
- To obtain any relief or services related to being a victim of domestic violence, sexual

EXHIBIT B

Division of Labor Standards Enforcement

Office of the Labor Commissioner

THIS POSTER MUST BE DISPLAYED WHERE EMPLOYEES CAN EASILY READ IT

(Poster may be printed on 8 1/2" x 11" letter size paper)

HEALTHY WORKPLACES/HEALTHY FAMILIES ACT OF 2014 PAID SICK LEAVE

Entitlement:

- An employee who, on or after July 1, 2015, works in California for 30 or more days within a year from the beginning of employment is entitled to paid sick leave.
- Paid sick leave accrues at the rate of one hour per every 30 hours worked, paid at the employee's regular wage rate. Accrual shall begin on the first day of employment or July 1, 2015, whichever is later.
- Accrued paid sick leave shall carry over to the following year of employment and may be capped at 48 hours or 6 days. However, subject to specified conditions, if an employer has a paid sick leave, paid leave or paid time off policy (PTO) that provides no less than 24 hours or three days of paid leave or paid time off, no accrual or carry over is required if the full amount of leave is received at the beginning of each year in accordance with the policy.

Usage:

- An employee may use accrued paid sick days beginning on the 90th day of employment.
- An employer shall provide paid sick days upon the oral or written request of an employee for themselves or a family member for the diagnosis, care or treatment of an existing health condition or preventive care, or specified purposes for an employee who is a victim of domestic violence, sexual assault, or stalking.
- An employer may limit the use of paid sick days to 24 hours or three days in each year of employment.

Retaliation or discrimination against an employee who requests paid sick days or uses paid sick days or both is prohibited. An employee can file a complaint with the Labor Commissioner against an employer who retaliates or discriminates against the employee.

For additional information you may contact your employer or the local office of the Labor Commissioner. Locate the office by looking at the list of offices on our website <http://www.dir.ca.gov/dlse/DistrictOffices.htm> using the alphabetical listing of cities, locations, and communities. Staff is available in person and by telephone.

assault, or stalking including the following with appropriate certification of the need for such services:

- *A temporary restraining order or restraining order.*
- *Other injunctive relief to help ensure the health, safety or welfare of themselves or their children.*
- *To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.*
- *To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.*
- *To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.*
- *To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.*

An Employee shall provide reasonable advance notification of their need to use accrued paid sick leave to their supervisor if the need for paid sick leave use is foreseeable (e.g., doctor's appointment scheduled in advance). If the need for paid sick leave use is unforeseeable, the Employee shall provide notice of the need for the leave to their supervisor as soon as is practicable.

Employees may use accrued sick leave in increments of time they determine to be necessary for the illness or preventative care or medical appointments. However, the County will apply a minimum increment of two (2) hours of sick leave for each absence.

An employee will only receive paid sick time for the number of hours they would have worked during their scheduled shift. For example, if the Employee was scheduled for a four hour shift, they will be compensated with four hours of paid sick time only.

Sick leave in day or hour increments will be paid at the employee's regular rate of pay and is payable in the next payroll period.

If an Employee separates from County employment and is re-hired by the County within one (1) year of the date of separation, previously accrued and unused paid sick leave hours shall be reinstated to the extent required by law. However, if a rehired Employee had not yet worked the requisite ninety (90) days of employment to use paid sick leave at the time of separation, the Employee must still satisfy the ninety (90) days of employment requirement collectively over the periods of employment with the County before any paid sick leave can be used.



MARIPOSA COUNTY

Human Resources/Risk Management - (209) 742-1379



RESOLUTION - ACTION REQUESTED 2015-297

MEETING: June 23, 2015
TO: The Board of Supervisors
FROM: Steve Johnson, Human Resources Director - Risk Manager
RE: Policy Regarding Use of Personal Vehicles as Part of County Business

RECOMMENDATION AND JUSTIFICATION:

Approve a Policy for County officers, employees, and other authorized individuals use of personal vehicles as part of County business, to be effective on the date of this approval.

The County does not have a Policy that guides County officers, employees, and other authorized individuals on use of personal vehicles that are used for County business.

In drafting this Policy, Human Resources/Risk Management staff engaged the services of labor law Attorney Patricia Eyres, through the County's insurance and loss prevention Agency, California State Association of Counties - Excess Insurance Authority (CSAC-EIA), to review a draft County Policy and make recommended corrections and changes where needed to comply with legal requirements.

In addition to Ms. Eyres, staff also engaged in a review process of this draft Policy with Neal Trost, who administers the County's General Liability Claims Review process, Charles Williams, CSAC-EIA Loss Prevention Manager, all of the County's Department Heads, bargaining unit representatives and County Supervisors Kevin Cann and John Carrier (who make up the County Board of Supervisors, Board Liaison, General Government, for Human Resources). The result is the Policy that is presented for the Board's review and approval.

This Policy contains the following significant provisions, among others:

- **Responsibility:** Employees are encouraged to use County vehicles when they are available. Factors to be considered when deciding between the appropriate uses of a County vehicle versus a personal vehicle include, but are not limited to: Availability of County vehicles, cost of a County vehicle versus mileage reimbursement, the appropriateness of the vehicle for the required use, the best use of employee's time and operational efficiency. Departments are responsible for determining which option best meets the needs of the County.

Resolution - Action Requested 2015-297

- Pull Notice Program: Departments shall enroll and track employees that drive on a regular basis, three or more days a week, or more than 500 miles per month, in the Department of Motor Vehicles (DMV) "Pull Notice Program."
- Failure to comply with all provisions of this policy may result in disciplinary action up to and including termination. It is within the discretion of the Department Head to take appropriate corrective action.

If the Board of Supervisors' approve the attached Policy, staff will: 1) distribute this Policy to all County officers, employees, and other authorized individuals as specified in this policy, along with a form that will require their signature to indicate that they have received and understand the Policy, and 2) post the Policy on the Human Resources/Risk Management Department portion of the County's website.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

As the County does not have a Policy that guides County officers, employees, and other authorized individuals use of personal vehicles for County business, there may be uneven application of the issues addressed in the Policy, without the Policy.

FINANCIAL IMPACT:

None-the cost of Ms. Eyres' and Misters Williams and Trost's time, respectively, is included in the cost that the County pays as part of its administrative fee to CSAC-EIA, and to Freese and Gianelli, respectively.

ATTACHMENTS:

Use of Personal Vehicle Policy Draft 5-29-15 (DOCX)

CAO RECOMMENDATION

Requested Action Recommended

Mary Hodson

Mary Hodson, CAO

6/18/2015

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Rosemarie Smallcombe, District I Supervisor

AYES: Smallcombe, Jones, Long, Cann, Carrier

COUNTY OF MARIPOSA PERSONAL VEHICLE USE POLICY

PURPOSE

The purpose of this policy is to define the responsibilities and rules for the use of privately owned vehicles used for County business. This policy applies to County officers, employees, and other authorized individuals as specified in this policy.

An exception to this policy shall be made for the Sheriff's Department as a result of its unique law enforcement function. The Sheriff's Department will develop and enforce its own written policy, which shall guide vehicle utilization of employees of the Sheriff's Department and other County employees engaged in law enforcement activities that are under the direction of the Sheriff.

EMPLOYEE RESPONSIBILITIES

Responsible Driving: Each County driver shall drive responsibly, anticipate emergency situations and make every effort to avoid collisions. All employees operating a vehicle on County business represent the County of Mariposa and shall always project a professional and responsible image to the public.

Following Traffic Laws: Employees are expected to be knowledgeable of, and follow, all applicable Federal, State and local traffic laws.

Driver's License: County employees operating vehicles on County business must have a valid State of California driver's license, except for new County employees, who may have an out-of-State driver's license as long as they obtain a California Driver's License within three (3) months of employment.

Suspended, Revoked or Restricted Driver's License: County employees who are required to have a valid California driver's license to operate vehicles or equipment on County business shall immediately inform their supervisor in the event their driver's license is suspended, revoked or is otherwise restricted in a way that impacts the employee's ability to perform their job duties that require or involve operating a motor vehicle.

DEPARTMENT RESPONSIBILITIES

Enforcement: Department Heads are responsible for enforcing this policy within their Department.

Defensive Driver Training Requirement: Departments shall ensure that all employees that are required to drive personal vehicles on County business participate in a Defensive Driver Training program, such as the one offered through California State Association of Counties – Excess Insurance Authority (CSAC-EIA).

Pull Notice Program: Departments shall enroll and track employees that drive on a regular basis, three or more days a week, or more than 500 miles per month, in the Department of Motor Vehicles (DMV) "Pull Notice Program".

VEHICLE COLLISIONS, INCIDENTS OR DAMAGE

Safe Driving: It is the responsibility of the driver of privately owned vehicles while being used for County business to exercise reasonable care to avoid impediments or obstructions in the path of the vehicle which might cause damage to the vehicle, other vehicles or property, or injury to drivers, passengers and pedestrians.

Collision, Incident or Damage Reporting: All collisions or vehicle damage in privately owned vehicles being used on County business, regardless of severity, shall be reported immediately to the employee's supervisor, to the appropriate law enforcement agency (request an official collision report from the responding officer) and to Fleet Maintenance within 24 hours after the accident. Vehicle collisions involving extensive property damage, personal injury or loss of life, must also be reported to the Department of Motor Vehicles (DMV) within 10 days of the incident. It is the employee's responsibility to report the incident to the DMV.

Timely Reporting of Incidents: Officers and employees involved in any collision or incident in a privately owned vehicle being used on County business shall make a complete report of such collision or incident to Fleet Maintenance within one (1) business day. If the officer or employee is unable to make the report because of injury or other incapacity, the appropriate supervisor or manager shall submit a report.

Responsibility: Employees are encouraged to use County vehicles when they are available. Factors to be considered when deciding between the appropriate uses of a County vehicle versus a personal vehicle include, but are not limited to: the availability of County vehicles, cost of a County vehicle versus mileage reimbursement, the appropriateness of the vehicle for the required use, the best use of employee's time, and operational efficiency. Departments are responsible for determining which option best meets the needs of the County.

Insurance Requirements: Employees who drive a privately owned vehicle on County business must maintain automobile insurance that complies with the State of California minimum requirements for bodily injury and property damage. The employee shall ensure that their level of insurance is appropriate for use of the vehicle for business. Excessive traffic violations will be reviewed regarding continued use of County owned or rental vehicles. Claims coverage for rental vehicles that are used as part of approved County wide business will be reviewed on a case-by-case basis.

Primary Insurance Coverage: If an employee is involved in a collision or incident in a privately owned vehicle, while on authorized County business, the employee's automobile insurance is primary to any other coverage.

Deductible Expense: When an employee is involved in a vehicle collision in their personal vehicle while on County business and it is determined, by the appropriate Law Enforcement Agency, that the employee is not at fault, the County will reimburse any insurance deductible expense up to a maximum of \$500.

Exclusive Use: No employee shall travel on County business exclusively in a privately owned vehicle without the written approval of his/her Department Head.

Reimbursement Claims: When County employees use a privately owned vehicle on County business, they shall be reimbursed at the current published Internal Revenue Service (IRS) reimbursement rate. Claims for mileage reimbursement shall be submitted on County claim forms and processed in accordance with the County Auditor procedures.

Motorcycles: No employee shall operate a motorcycle on County business without specific authorization of the department head.

ADVERSE ACTION

Failure to comply with all provisions of this policy may result in disciplinary action up to and including termination. It is within the discretion of the Department Head to take appropriate corrective action.

Updated: May 2015