

1 MARIPOSA COUNTY RESOLUTION NO. 85-234

2 POLICY REGARDING
3 OVERTIME OF COUNTY EMPLOYEES

4 WHEREAS, the United States Supreme Court has
5 dictated to all local governments, pursuant to Garcia vs.
6 San Antonio Metropolitan Authority, that all local governments
7 must pay overtime for all hours worked by employees in
8 excess of forty (40) hours per work week. In addition thereto,
9 employees can only have comp time if they take it off during
10 the actual work week in which it is incurred, and

11 WHEREAS, as a result of the above-cited decision,
12 payment of substantial overtime claims would impose a severe
13 economic impact on the economy of the County of Mariposa, and

14 WHEREAS, it is the desire of the Board of Super-
15 visors to avoid any and all unnecessary charges and/or claims
16 against the County which comes within its jurisdiction;

17 NOW THEREFORE, BE IT RESOLVED by the Board of
18 Supervisors of Mariposa County that a policy regarding
19 overtime of County employees shall be as follows:

20 1. No employee of the County shall earn overtime
21 after the effective date of this Resolution, unless it is the
22 judgment of the Department Head and/or Personnel Supervisor
23 that the overtime work is absolutely necessary to perform the
24 functions of the Department.

25 2. No employee of the County shall voluntarily
26 work overtime after the effective date of this Resolution.

27 3. If, in the opinion of the Department Head and/or
28 Personnel Supervisor, an employee earns overtime as a result of

1 necessity, then in that event, if possible, that employee
2 shall be given comp time off at his or her straight hourly
3 rate during the same work week in which the overtime was
4 incurred.

5 4. Any employee who has worked overtime as a
6 result of necessity, and cannot take comp time off during
7 the work week within which the overtime was earned must be
8 paid overtime at the rate of one and one-half times their
9 regular hourly rate, and shall not be allowed to accrue comp
10 time for the overtime worked.

11 5. Department Heads and/or Personnel Supervisors
12 shall be charged with the responsibility of monitoring and
13 regulating the provisions of this Resolution relative to all
14 County employees working under their supervision.

15 6. The County employee's work week is hereby estab-
16 lished to commence at 12:01 a.m. Monday and end at 12:00 (midnight)
17 Sunday of each week during the year.

18 7. The above-mentioned work week shall not apply to
19 the Sheriff's Office.

20 BE IT FURTHER RESOLVED that the effective date of this
21 Resolution shall be JULY 23, 1985.

22 PASSED AND ADOPTED this 23rd day of July, 1985 by the
23 Board of Supervisors of Mariposa County by the following vote:

24 AYES: Barrick, Erickson, Taber, Dalton

25 NOES: None

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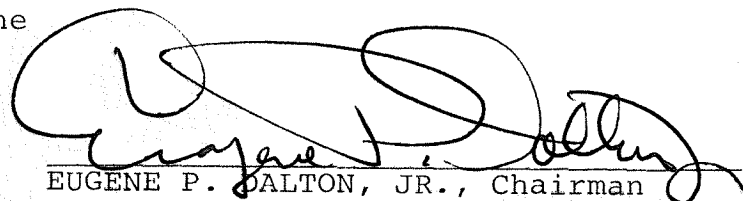
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EXCUSED: Radanovich

ABSTAINED: None



EUGENE P. DALTON, JR., Chairman
Board of Supervisors

ATTEST:

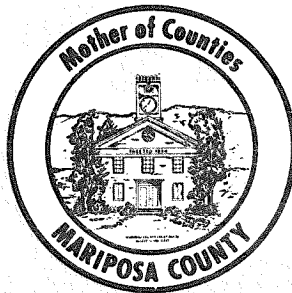

GERALD MC CARTHY, County Clerk and
Ex Officio Clerk of the Board

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:


JEFFREY G. GREEN, County Counsel

Mariposa County Board of Supervisors

GERALD McCARTHY
County Clerk/Ex-officio Clerk of the Board
MARGIE WILLIAMS
Deputy Clerk of the Board
P. O. BOX 247
MARIPOSA, CALIFORNIA 95338
(209) 966-2006



DISTRICT 1..... BEVERLY A. BARRICK
DISTRICT 2..... EUGENE P. DALTON, JR. *
DISTRICT 3..... ERIC J. ERICKSON
DISTRICT 4..... LEROY RADANOVICH
DISTRICT 5..... GERTRUDE TABER

JOAN J. LYNK
Executive Aide
P. O. BOX 784
MARIPOSA, CALIFORNIA 95338
(209) 966-3222

July 23, 1985

*Chairman

TO: ALL DEPARTMENT HEADS AND/OR PERSONNEL SUPERVISORS

FROM: Eugene P. Dalton, Jr., Chairman
Board of Supervisors

RE: Overtime by County Employees

As most of you are aware, the United States Supreme Court, on February 19, 1985, decided the case of Garcia vs. San Antonio Metropolitan Transit Authority. The import of the Garcia decision is to require state and local governments to comply with the Fair Labor Standards Act. The Fair Labor Standards Act regulates minimum wage and overtime pay to employees. In that regard, the immediate impact of the Garcia decision is to require that local governments establish a work week and that all overtime earned in that work week must be taken off as comp time during that work week. Any overtime which cannot be taken off as comp time during the work week must be paid by the County as overtime. Therefore, until such time as the County has had an opportunity to completely review the Garcia decision and establish permanent guidelines, the attached Resolution No. 85-234 will be the policy of the County of Mariposa regarding overtime. The Garcia decision does not apply to Department Heads and/or Supervisory personnel. The County will, in the future, define supervisory personnel. However, pursuant to the attached Resolution please implement the contents thereof in your Department forthwith. No overtime is to be granted to employees either voluntarily or involuntarily unless it is absolutely necessary to conduct County business. Where possible, any overtime should be compensated during the same week overtime is earned by time off at the straight rate of overtime earned. If time off cannot be granted during the week the overtime is earned, then in that event the employee must be paid overtime. The County nor the employee has the discretion any longer to accrue comp time. Should any Department Head and/or Personnel Supervisor have any questions regarding this matter, please contact Supervisor Dalton and/or County Counsel's office.

Very truly yours,

Eugene P. Dalton, Jr., Chairman
Board of Supervisors

