

1 MARIPOSA COUNTY RESOLUTION NO. 85-377

2 A RESOLUTION RESCINDING RESOLUTION No. 85-234  
3 RELATIVE TO POLICY REGARDING  
4 OVERTIME OF COUNTY EMPLOYEES

5 WHEREAS, the United States Supreme Court has  
6 dictated to all local governments, pursuant to Garcia vs.  
7 San Antonio Metropolitan Authority, that all local governments  
8 must pay overtime for all hours worked by employees in excess  
9 of forty (40) hours per work week, and

10 WHEREAS, Congress has adopted legislation to relieve  
11 County governments from some of the requirements of the Garcia  
12 decision, and

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

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

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

24 2. No employee of the County shall voluntarily  
25 work overtime commencing July 23, 1985.

26 3. If, in the opinion of the Department Head and/or  
27 Personnel Supervisor, an employee earns overtime as a result of  
28 necessity, then in that event, the employee may, at the discretion  
of the Department Head and/or Personnel Supervisor, be given

1 comp time, at the rate of time and one half in lieu of pay.

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

6 5. The County employee's work week is hereby  
7 established to commence at 12:01 a.m., Monday and end at  
8 12:00 (midnight) Sunday of each week during the year.

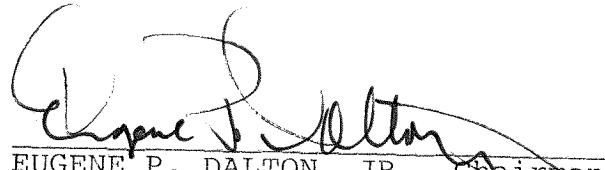
9 6. The above-mentioned work week shall not apply  
10 to the Sheriff's Office, which shall be adopted by separate  
11 Resolution.

12 7. All sworn Peace Officers of the County shall  
13 be permitted to accumulate no more than four hundred eighty  
14 (480) hours of comp time. All other County employees shall  
15 be permitted to accumulate no more than two hundred forty  
16 (240) hours of comp time.

17 8. Resolution No. 85-234, which was adopted by  
18 the Board of Supervisors on July 23, 1985 as a result of the  
19 Garcia decision, is hereby rescinded and replaced in its  
20 entirety by this Resolution.

21 PASSED AND ADOPTED this 3rd day of December,  
22 1985 by the Board of Supervisors of Mariposa County by the  
23 following vote:

- 24 AYES: Dalton, Erickson, Radanovich, Taber
- 25 NOES: None
- 26 ABSENT: Barrick
- 27 ABSTAINED: None

28   
 \_\_\_\_\_  
 EUGENE P. DALTON, JR., Chairman  
 Board of Supervisors

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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