

1 MARIPOSA COUNTY RESOLUTION NO. 85-387

2 A RESOLUTION RESCINDING RESOLUTION NO. 85-377
3 RELATIVE TO POLICY REGARDING
4 OVERTIME OF COUNTY EMPLOYEES

5 WHEREAS, the United States Supreme Court has dictated
6 to all local governments, pursuant to Garcia vs. San Antonio
7 Metropolitan Authority, that all local governments must pay
8 overtime for all hours worked by employees in excess of forty
9 (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 Super-
17 visors 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 employee, be given comp time, at the rate of time and

1 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. 85-377, which was adopted by
18 the Board of Supervisors on December 3, 1985 as a result of
19 the Garcia decision, is hereby rescinded and replaced in its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: Barrick, Erickson, Radanovich, Taber
25 NOES: None
26 ABSENT: Dalton
27 ABSTAINED: None

28 Beverly Barrick
BEVERLY BARRICK,
Vice-Chairman

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

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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