



# MARIPOSA COUNTY

Human Resources · (209) 742-1379



## **RESOLUTION - ACTION REQUESTED 2018-531**

MEETING: November 13, 2018  
TO: The Board of Supervisors  
FROM: Kimberly Williams, Human Resources Director  
RE: Amend Confidential Employee Resolution

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### **RECOMMENDATION AND JUSTIFICATION:**

Amend Resolution No. 16-579 by revising the definition of a Confidential employee; adding the Deputy County Counsel classification as a Confidential position; and revising the existing list of Confidential positions effective immediately.

Although not represented, the definition of a Confidential employee is included in each Memorandum of Understanding with the Service Employees International Union Local 521 (SEIU) and the Mariposa County Managerial and Confidential Organization (MCMCO). During last year's labor negotiations for a successor Memorandum of Understanding (MOU) with SEIU and MCMCO, the definition of a Confidential employee was amended in each MOU to better describe and define a Confidential employee. It is recommended that the Resolution, which also contains the definition, is amended to be consistent with the MOUs.

The Board of Supervisors recently approved a new classification of Deputy County Counsel and designated it as a Confidential position. The Confidential Resolution outlines the salary and benefits for Confidential positions, which is that they are tied to the MCMCO bargaining unit (when cost-of-living adjustments or benefit increases are received by MCMCO employees, Confidential employees also receive these increases). With the inclusion of the Deputy County Counsel class to the Confidential Resolution, salary and benefit increases for this position will also be tied to MCMCO. Further, the Deputy County Counsel is a professional classification and as such, will be overtime exempt. The Confidential Resolution stipulates this as well.

There have been a few changes to Confidential class titles and positions since the adoption of the previous Confidential Resolution. With the approval of the updated Confidential Resolution, class titles and positions will likewise be updated.

### **BACKGROUND AND HISTORY OF BOARD ACTIONS:**

The Board of Supervisors approves changes to the Confidential Resolution from time-to-time. The previous Resolution was approved by the Board at their meeting of February 16, 2016 by Resolution No. 16-75.

### **ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

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**FINANCIAL IMPACT:**

N/A.

**ATTACHMENTS:**

**Confidential Designation Resolution 2018 (DOC)**

**Resolution No 16-579 (PDF)**

**RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]**

**MOVER:** Marshall Long, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Smallcombe, Jones, Long, Cann, Menetrey

**MARIPOSA COUNTY RESOLUTION NO. 18-531**

**A RESOLUTION AMENDING RESOLUTION NO. 16-579 RELATIVE TO THE CONFIDENTIAL DESIGNATION OF CERTAIN CLASSIFICATIONS**

**WHEREAS**, California Government Code Section 3507.5, empowers a public agency to designate Management and Confidential Employees pursuant to rules and regulations adopted therefore; and

**WHEREAS**, Mariposa County Resolution Nos. 88-479, 91-510, 98-362, 99-347, 00-243, 01-29, 02-18, 02-369, 04-92, 07-315, 07-474, 16-75, and 16-579 establishes rules and regulations providing for designation of Management and Confidential Employees; and

**WHEREAS**, the Board of Supervisors desires to designate certain employee positions as Management and Confidential Employees; and

**WHEREAS**, the Board of Supervisors desires to amend Resolution No. 16-579 by doing the following:

1. Amend the definition of a Confidential employee; and
2. Add a Deputy County Counsel classification and designate it as Confidential; and
3. Remove the Deputy County Administrative Officer classification in County Administration and the Office Assistant I/II classification in the Board of Supervisors office from the list of Confidential classifications; and
4. Remove from the list the Office Technician I classification in County Administration and the Senior Office Assistant classification in Human Resources and add an Executive Assistant classification and Office Assistant I/II classification in their place, respectively; and
5. Reflect that the Administrative Analyst I is a flex classification of Administrative Analyst I/II in Human Resources.

**NOW THEREFORE BE IT RESOLVED** by the Mariposa County Board of Supervisors a political subdivision of the State of California, as follows:

1. Management positions shall be defined by the Memorandum of Understanding currently in effect with Mariposa County and the Mariposa County Managerial and Confidential Organization.
2. "Confidential Employee" means any employee who, in the regular course of his/her duties, is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. Confidential employees shall be designated by the County in accordance with the County's labor relations policies and procedures and such designations will be considered by the County and the Union to be outside the statutory scope of bargaining.


The following positions are tied to the Mariposa County Managerial and Confidential Organization for benefits and salaries, and are not dues-paying members of the unit. Benefits do not include Administrative Leave, and these

employees are subject to overtime compensation under the Fair Labor Standards Act, with the exception of the Administrative Analyst II and the Senior Administrative Analyst, which are overtime exempt as an administrative employee, and the Assistant Auditor and the Deputy County Counsel, which are overtime exempt as a professional employee pursuant to the Fair Labor Standards Act and shall receive Administrative Leave.

- a. Accountant II (Auditor's office – 2 positions)
- b. Administrative Analyst I/II (Human Resources)
- c. Assistant Auditor
- d. Deputy Clerk of the Board I/II
- e. Deputy County Counsel
- f. Executive Assistant (County Administration)
- g. Legal Executive Assistant (County Counsel's office)
- h. Office Assistant I/II (Human Resources)
- i. Payroll Specialist (Auditor's office)
- j. Senior Administrative Analyst (Human Resources)

**PASSED AND ADOPTED** this 13<sup>th</sup> day of November 2018, by the Board of Supervisors of Mariposa County by the following vote:

**AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY**  
**NOES: NONE**  
**ABSENT: NONE**  
**ABSTAINED: NONE**




Rosemarie Smallcombe, Chair  
Board of Supervisors

**ATTEST:**

  
René LaRoche  
Clerk of the Board

**APPROVED AS TO FORM:**

  
Steven W. Dahlem  
County Counsel