



# MARIPOSA COUNTY

Human Resources · (209) 742-1379



## **RESOLUTION - ACTION REQUESTED 2019-453**

MEETING: August 6, 2019  
TO: The Board of Supervisors  
FROM: Kimberly Williams, Human Resources Director  
RE: Rescind and Replace the Confidential Employee Resolution

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### **RECOMMENDATION AND JUSTIFICATION:**

Rescind Resolution 18-531 and Adopt a New Confidential Employee Resolution that Designates Certain Classifications as Confidential and Approve an Amendment to the List of Confidential Classifications Effective Immediately. Since the adoption of the last Resolution in 2018 designating certain classifications as Confidential, there have been a couple of changes to the list of Confidential classes.

Those changes are:

- 1) The Board of Supervisors approved a recommendation to change the vacant Deputy County Counsel classification in County Counsel's office to an Assistant County Counsel. The Assistant County Counsel was designated as a Confidential class when this change was made. The Assistant County Counsel classification is a professional classification and as such, will be overtime-exempt. The Confidential Resolution stipulates this as well.
- 2) The Office Assistant I/II classification allocated to the Human Resources Department was a Confidential classification and the Board approved a recommendation to eliminate the position. Therefore, this class needs to be removed from the Confidential employee Resolution.

### **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 November 13, 2018 by Resolution No. 18-531.

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

#### **FINANCIAL IMPACT:**

N/A.

#### **ATTACHMENTS:**

**Confidential Designation Resolution 2019 (DOC)**

## Resolution - Action Requested 2019-453

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

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

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Rosemarie Smallcombe, Marshall Long, Kevin Cann, Miles Menetrey

**EXCUSED:** Merlin Jones

**MARIPOSA COUNTY RESOLUTION NO. 19-453**

**RESCIND RESOLUTION NO. 18-531 RELATIVE TO  
DESIGNATING CERTAIN CLASSIFICATIONS AS CONFIDENTIAL  
AND APPROVE AN AMENDMENT TO THE LIST OF CONFIDENTIAL 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 No. 18-531 established rules and regulations providing for the designation of Management and Confidential Employees; and

**WHEREAS**, Resolution No. 18-531 further identified certain classifications as Confidential; and

**WHEREAS**, the Board of Supervisors desires to rescind Resolution No 18-531 because the classifications designated as Confidential needs amending; and

**WHEREAS**, the Board of Supervisors desires to amend the list of Confidential classes as follows:

1. Remove the Deputy County Counsel classification and add the Assistant County Counsel classification; and
2. Remove the Office Assistant I/II classification 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 Assistant 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. Assistant County Counsel
- e. Deputy Clerk of the Board I/II
- f. Executive Assistant (County Administration)
- g. Legal Executive Assistant (County Counsel's office)
- h. Payroll Specialist (Auditor's office)
- i. Senior Administrative Analyst (Human Resources)

**PASSED AND ADOPTED** this 6<sup>th</sup> day of August 2019, by the Board of Supervisors of Mariposa County by the following vote:

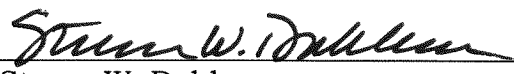
**AYES:** SMALLCOMBE, LONG, CANN, MENETREY  
**NOES:** NONE  
**ABSENT:** JONES  
**ABSTAINED:** NONE

  
\_\_\_\_\_  
Miles Menetrey, Chair  
Board of Supervisors

**ATTEST:**

  
\_\_\_\_\_  
René LaRoche  
Clerk of the Board

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Steven W. Dahlem  
County Counsel