

DEPARTMENT: Personnel

By: Jeffrey G. Green

PHONE: 209/966-3222

RECOMMENDED ACTION AND JUSTIFICATION: Policy Item: Yes () No ()

Resolution designating the Court Executive Officer as a Management and Confidential position; this Resolution amends Resolution No. 00-243. This position will be tied to the Mariposa County Managerial and Confidential Organization for benefits as well as salary and is not a dues-paying member. "Confidential Employee" means any employee who, in the regular course of his/her duties, has access to or possesses information related to his/her employer's employer-employee relations. Pursuant to Senate Bill 2140, Superior Courts are authorized to bargain directly with the unions that represent trial court employees. As a member of the Court's negotiating team, the Court Executive Officers must have Confidential employee status

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Prior Board actions have made necessary designations of Management and Confidential employees. This Resolution will supersede Resolution No. 00-243.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- In order to be in compliance with SB 2140 as well as section 2.4 of the MCMCO MOU, it is required that this Resolution be adopted.

COSTS: (X) Not Applicable
A. Budgeted current FY \$ _____
B. Total anticipated costs \$ _____
C. Required additional funding \$ _____
D. Internal transfers \$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

Resolution.

SOURCE: () 4/5ths Vote Required
A. Unanticipated revenues \$ _____
B. Reserve for contingencies \$ _____
C. Source description: _____
Balance in Reserve for Contingencies, if approved: \$ _____

CLERK'S USE ONLY:
Res. No.: 01-29 Ord. No. _____
Vote - Ayes: 4 Noes: _____
Absent: Reilly Abstained: _____
 Approved () Denied
() Minute Order Attached () No Action Necessary

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

- Recommended
- Not Recommended
- For Policy Determination
- Submitted with Comment
- Returned for Further Action

Comment: _____

A.O. Initials: *JD*

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____

ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

**A RESOLUTION AMENDING RESOLUTION NO. 00-243
BY DESIGNATING THE COURT EXECUTIVE OFFICER
AS A MANAGEMENT AND CONFIDENTIAL EMPLOYEE**

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, and 00-243 establishes rules and regulations providing for designation of Management and Confidential Employees, and

Whereas, the Board of Supervisors desires to designate certain employees' positions as Management and Confidential Employees, and

Whereas, the Board of Supervisors desires to designate which positions are eligible for payroll deduction for the purpose of paying bargaining unit dues, and

Whereas, the Mariposa County Managerial/Confidential Organization and Mariposa County Employees Association have been notified regarding the designation of management and confidential positions;

Now, therefore, be it hereby 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. The following are designated as Confidential employees:

"Confidential Employee" means any employee who, in the regular course of his/her duties, has access to or possesses information related to his/her employer's employer-employee relations. The following positions are tied to the Mariposa County Managerial and Confidential Organization for benefits and to the Mariposa County Public Employees Association for salaries and are not dues-paying members of either 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 Staff Analyst position which is overtime exempt as an administrative employee pursuant to the Fair Labor Standards Act and shall receive administrative leave.


- h. Accountant I/II – Auditor
- i. Accounting Technician III/Payroll - Auditor
- j. Executive Secretary – Administration
- k. Executive Secretary – County Counsel
- l. Personnel/Risk Management Technician – Personnel
- m. Secretary – Board of Supervisors
- n. Staff Analyst

3. The following position is tied to the Mariposa County Managerial and Confidential Organization for benefits and is not a dues paying member. Benefits do not include administrative leave, and this employee is subject to overtime compensation under the Federal Labor and Standards Act. Salary is set by the Board of Supervisors.
 - a. Clerk of the Board of Supervisors

4. The following position is tied to the Mariposa County Managerial and Confidential Organization for benefits and salary and is not a dues-paying member. This employee is overtime exempt under the Fair Labor Standards Act and shall receive administrative leave.
 - a. Court Executive Officer

PASSED AND ADOPTED this 6th day of February, 2001, by the Board of Supervisors of Mariposa County by the following vote:


AYES:	BALMAIN, STEWART, PARKER, PICKARD
NOES:	NONE
ABSENT:	REILLY
ABSTAINED:	NONE



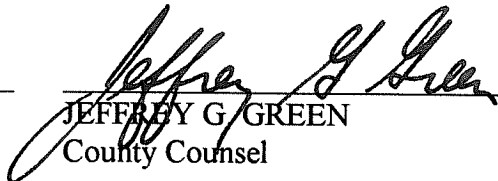
DOUG BALMAIN, Chair
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



MARGIE WILLIAMS
Clerk of the Board



JEFFREY G. GREEN
County Counsel