

MARIPOSA COUNTY

Human Resources/Risk Management • (209) 742-1375



RESOLUTION - ACTION REQUESTED 2016-75

MEETING: February 16, 2016

TO: The Board of Supervisors

FROM: Steve Johnson, Human Resources Director - Risk Manager

RE: Amend Confidential Employee Resolution

RECOMMENDATION AND JUSTIFICATION:

Amend Resolution No. 07-474 by: Designating the Senior Office Assistant in the Human Resources/Risk Management Department as a Confidential Position effective February 1, 2016; Modifying certain classification titles to their appropriate title; and removing the Clerk of the Board classification.

The Senior Office Assistant will be privy to sensitive labor negotiation information and it is important to designate this position as a Confidential designation. "Confidential Employee" as defined in the County's Employer-Employee Relations Policy means any employee who, in the regular course of his/her duties, has access to or possesses information related to the County's employer-employee relations (labor negotiations).

Further, there are classifications listed in the current Resolution that have titles needing modification. Recently, the Board of Supervisors approved a reclassification for the former Executive Assistant in County Counsel's office, which is a Confidential position, with a new and updated title of the Legal Executive Assistant. In addition, a Secretary classification was allocated to County Administration and now the allocation is an Office Technician I classification. The Office Technician I classification is a Confidential position.

Finally, the Clerk of the Board classification is listed as a Confidential position in the current Resolution. In November 2014, the Board of Supervisors approved amendments to the Clerk of the Board Job Description to reflect that it is a Department Head classification. As a Department Head, this position is now in a distinct and separate category than Confidential classifications.

Currently, because of their access to sensitive labor negotiations information, Confidential employees serve without any labor union representation. While Confidential employees are tied to the Mariposa County Managerial and Confidential Organization for salary and benefits, the terms and conditions of their employment with the County is only spelled out in a decades old Resolution approved by the Board of Supervisors. Staff believes that it is important to explore the desire of the Confidential employees, as they are not represented by a union, to have a document that spells out the terms and conditions of their employment with the County (this is typically called a Compensation or Pay Plan in other Agencies), so that they are treated the same represented employees. If the discussion with the Confidential employees leads to a desire for a Compensation Plan, staff will return to the Board in the future

for additional discussion of this issue.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The previous amendment to the Confidential Resolution occurred on October 9, 2007 when the Board of Supervisors approved a revision by adding the Office Assistant classification in Administration (now allocated in the Board of Supervisors budget) and designated the position as a Confidential classification.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

A negative action would result in a represented classification that is privy to labor negotiations for all bargaining units and a Confidential Resolution that has incorrect titles and classifications contained within the body of the Resolution.

ATTACHMENTS:

Confidential Designation Resolution (DOC)
Resolution No 07-474 (PDF)

CAO RECOMMENDATION

Requested Action Recommended



Mary Hodson, CAO 2/9/2016

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Rosemarie Smallcombe, District I Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Smallcombe, Jones, Long, Cann, Carrier

MARIPOSA COUNTY RESOLUTION NO. 16-75

**A RESOLUTION AMENDING RESOLUTION 07-474 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, and 07-474 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. 07-474 by adding the Senior Office Assistant classification in the Human Resources/Risk Management Department and designating it as Confidential, and

WHEREAS, the Board of Supervisors further desires to amend Resolution No. 07-474 by modifying the titles of the Executive Assistant-County Counsel classification (now Legal Executive Assistant) and the Secretary classification in Administration (now Office Technician I), and

WHEREAS, the Board of Supervisors additionally desires to amend Resolution No. 07-474 by removing the Clerk of the Board position from the Resolution as it is now a department head position;

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. 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 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 Deputy County Administrative Officer and the Administrative Analyst-Administration, which are overtime exempt as an administrative employee pursuant to the Fair Labor Standards Act and shall receive Administrative Leave.

- a. Accountant II (Auditor's Office-applies to benefits coordinator position only)
- b. Administrative Analyst – Administration
- c. Administrative Technician
- d. Assistant Auditor
- e. Deputy Clerk of the Board
- f. Deputy County Administrative Officer
- g. Legal Executive Assistant (County Counsel's office)
- h. Office Assistant I/II (Board of Supervisors office)
- i. Office Technician I (County Administration)
- j. Payroll Specialist
- k. Senior Office Assistant (Human Resources/Risk Management Department)


PASSED AND ADOPTED this 16th day of February 2016, by the Board of Supervisors of Mariposa County by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, CARRIER
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE




John Carrier, Chair
Board of Supervisors

ATTEST:



René LaRoche
Clerk of the Board

APPROVED AS TO FORM:



Steven W. Dahlem
County Counsel