



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

LYLE TURPIN, CHAIR
DIANNE A. FRITZ, VICE CHAIR
BRAD ABORN
JANET BIBBY
BOB PICKARD

DISTRICT II
DISTRICT IV
DISTRICT I
DISTRICT III
DISTRICT V



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: RICHARD J. BENSON, CAO
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: Adopt a Resolution Amending Resolution No. 93-143 Regarding the Payment of Sick Leave Accrual in the Future for Regular Employees Appointed to Department Head Status

RESOLUTION 08-369

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on August 5, 2008

ACTION AND VOTE:

3:26 p.m. Adopt a Resolution Amending Resolution No. 93-143 Regarding the Payment of Sick Leave Accrual in the Future for Regular Employees Appointed to Department Head Status (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Supervisor Bibby excused herself from the meeting for this matter due to a potential conflict of interest as she was a member of SEIU and MCMCO as an employee in the County prior to being elected to the Board. Discussion was held relative to the request; and it was clarified that this is only for future employees that are elected or appointed to department head status and that it can not be retroactive for the existing department heads.

Input was provided by the following:

Jim Allen provided input on the Board's action in 1993 and he stated he feels that the people who retired before him received this benefit because the Board's policy was not known. He advised that he did not receive the benefit and he filed a claim to get this fixed for the rest of the department heads/elected officials. He asked that if there is anything that can be done for the existing department heads in this situation, that it be pursued.

Becky Crafts, Assessor/Recorder, referred to her correspondence that she previously provided to the Board members relative to the action taken in 1993; and she advised that she does not feel that the "promotion" referred to in the action applies to her as she was elected to the position. She noted that 25-years ago elected officials were dealt with separately from appointed department heads. She stated they are asking for service credit for the sick leave time they accrued and not payment. She noted that a subsequent County employee policy does not mention this sick leave policy.

Keith Williams, Treasurer/Tax Collector/County Clerk, noted that he accepted the Board's appointment to the position for a few days so that there wouldn't be a void in the office when the former Treasurer/Tax Collector/County Clerk retired. He had always planned to use the sick leave he accrued as an employee to purchase service credits; and he hopes that something can be done.

Further discussion was held. Supervisor Pickard stated he hopes that this matter can be reviewed in 2009 when department head and elected officials salaries are reviewed. (M)Pickard, (S)Aborn, Res. 08-369 was adopted amending Resolution No. 93-143 regarding the payment of sick leave accrual in the future for regular employees appointed to department head status as recommended; and direction was given to staff to review whether anything can be done for the existing department heads, such as service credits, to support the department heads and to come back to the Board with information/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

Cc: Sandi Laird, Personnel
All Departments
File

DEPARTMENT: Administration

BY: Rick Benson
PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Adopt a Resolution amending Resolution No. 93-143 regarding the payment of sick leave accrual in the future for regular employees appointed to Department Head status. Current policy prohibits the County from paying sick leave accruals to regular county employees who obtain Department Head status. During recent deliberations regarding the payment of sick leave accruals to Department Heads, the Board has indicated to staff that they would like this policy changed. The attached resolution amends the former action and will allow the payment of sick leave accruals in the future to regular county employees, who are promoted, appointed, elected or otherwise obtain Department Head status within the County.

Staff routinely requests designations for the payment of vacation accruals and sick leave accruals for eligible county employees during the budget process.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On March 19, 1993, the Board adopted Resolution 93-143 that prohibited the payment of sick leave accruals to regular county employees who obtained Department Head status. Recently the Board denied the claim by a retired Department Head for the payment of sick leave accruals based upon Resolution 93-143.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not adopt the Resolution amending Resolution No. 93-143. Regular county employees who obtain Department Head status will not be paid for sick leave accruals.

Financial Impact? (X) Yes () No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? (X) Yes () No () Partially Funded		
Amount in Budget: \$160,000		List Attachments, number pages consecutively
Additional Funding Needed: \$		Resolution
Source:		
Internal Transfer		
Unanticipated Revenue	4/5's vote	
Transfer Between Funds	4/5's vote	
Contingency	4/5's vote	
() General () Other		

CLERK'S USE ONLY:

Res. No.: 08-309 Ord. No. _____
Vote - Ayes: 4 Noes: _____
Absent: _____ Excused: Bibby
Approved
Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
Comments:

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

CAO: 

MARIPOSA COUNTY RESOLUTION NO. 08-369

AMENDING RESOLUTION NO. 93-143 REGARDING TREATMENT OF SICK LEAVE ACCRUAL UPON PROMOTION TO DEPARTMENT HEAD STATUS

WHEREAS, the Mariposa County Board of Supervisors adopted Resolution No. 93-143 on March 19, 1993, establishing a policy regarding payment of accrued sick leave and vacation to an employee promoted to department status; and

WHEREAS, said Resolution included a provision whereby a regular employee who is promoted to department head status shall forfeit all accrued sick leave upon said promotion; and

WHEREAS, the Board of Supervisors now desires to amend said policy so that accrued sick leave shall not be forfeited in the future by regular employees who are promoted to department head status.

NOW, THEREFORE BE IT RESOLVED, that effective August 5, 2008, in the case that a regular employee of Mariposa County is promoted, appointed, elected or otherwise designated as a department head on permanent basis, all accrued sick leave shall be frozen at the salary level immediately prior to promotion based upon the formula contained in the employee's applicable Memorandum of Understanding (MOU).

BE IT FURTHER RESOLVED, that the accrued sick leave benefit shall be distributed in accordance with the sick leave provision included in the current MOU applicable on the date of retirement.

BE IT FURTHER RESOLVED, that all other provisions of Resolution No. 93-143 shall remain in effect.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County, a political subdivision of the State of California this 5th day of August 2008, by the following vote.

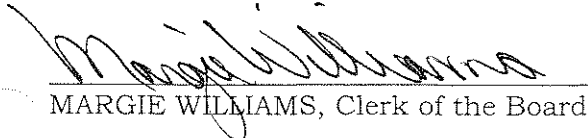
AYES: ABORN, TURPIN, FRITZ, PICKARD
NOES: NONE
EXCUSED: BIBBY
ABSTAIN NONE



LYLE TURPIN, Chairman

ATTEST:

APPROVED AS TO FORM:



MARGIE WILLIAMS, Clerk of the Board



THOMAS P. GUARINO, County Counsel