RECOMMENDED ACTION AND JUSTIFICATION:

Recommend the rejection of Claim No. C08-2 filed by James H. Allen for $16,440 and authorize the Chair to sign the notice of rejection. The claimant is alleging that he was not paid accrued sick time that he was entitled to upon retirement, and is requesting payoff for that sick time. Pursuant to Board Resolution 93-143, it is recommended that the Board reject this claim.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board adopted Resolution 93-143 on March 9, 1993, which states that all accrued sick leave shall be forfeited upon promotion from a regular employee to a department head status.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Financial Impact? ( ) Yes ( ) No
Budgeted in Current FY? ( ) Yes ( ) No ( ) Partially Funded
Amount in Budget: $________
Additional Funding Needed: $________
Source:________
Internal Transfer ________ 4/5's vote
Unanticipated Revenue ________ 4/5's vote
Transfer Between Funds ________ 4/5's vote
Contingency ( ) General ( ) Other

List Attachments, number pages consecutively:
Claim No. C08-2
Notice of Rejection

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

COUNTY ADMINISTRATIVE OFFICER:
Requested Action Recommended ( ) No Opinion
Comments:

CAO: ________
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: Recommend the Rejection of Claim No. C08-2 Filed by James H. Allen for $16,440 and Authorize the Board of Supervisors Chair to Sign the Notice of Rejection

RESOLUTION 08-263

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on June 17, 2008

ACTION AND VOTE:

Recommend the Rejection of Claim No. C08-2 Filed by James H. Allen for $16,440 and Authorize the Board of Supervisors Chair to Sign the Notice of Rejection (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Supervisor Bibby advised that because this matter has to do with a claim relative to sick time, she has a potential conflict as a previous employee in the MCMCO and SEIU bargaining units; and there is a chance that she may be called as a witness if this proceeds any further; so she recused herself from the meeting at 3:04 p.m. Discussion was held with Rick Benson.

Input from the public was provided by the following:

- Ruth Catalan questioned whether there has been any effort to recoup the funds from those who were paid and should not have been; and whether this sick leave policy is included in a policy manual that employees can read. Rick Benson responded relative to the review of this matter and advised that the statute of limitation has expired for two of the employees that were paid in error; and that one individual received a rather small amount and it would cost more to collect than the amount that was paid.

- Paul Chapman questioned the resolution (previous Board action n 1993) disappearing and reappearing.

- Dick Hutchinson stated he feels the Board’s resolution (1993) was discriminatory and he feels it was taking away something from employees that were promoted. He stated he feels that the Board should change the policy.

Further discussion was held. (M)Aborn, (S)Pickard, Res. 08-263 was adopted rejecting the claim as recommended. Supervisor Pickard provided input on the Constitutional restrictions in this matter; and amended the motion, agreeable with the maker, to include direction for the County Administrative Officer to bring back a resolution to rescind the policy that was established in 1993. He clarified that this can not be done retroactively. Ayes: Aborn, Turpin, Pickard; Excused: Fritz; Recused: Bibby.

Cc: Chris Ebie, Auditor
File