RECOMMENDED ACTION AND JUSTIFICATION:

Approve a Resolution adopting a policy regarding overtime for those members of the Sheriff’s Office who engage in law enforcement activities. The Fair Labor Standards Act (FLSA) allows an alternative work schedule for those individuals employed in law enforcement activities. The work period for eligible personnel is based on a 28-day work period, instead of a 40-hour workweek, because of the nature of their work. This Resolution more specifically applies to Deputy Sheriff and Jail Officer personnel.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board of Supervisors adopted Resolution No. 93-506, which established a policy defining the workweek as well as allowing alternate workweeks for County employees, except for certain Sheriff personnel. Within the body of Resolution No. 93-506, it was stated that a separate Resolution would be adopted for Sheriff’s Office personnel as the referenced Resolution did not apply. Adopting today’s Resolution is simply a housekeeping matter as a subsequent Resolution pertaining to Sheriff’s Office personnel was not adopted at the time.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

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

List Attachments, number pages consecutively

Resolution

Clerk’s Use Only:

Res. No.: #6350 Ord. No. ___
Vote – Ayes: ___ Noes: ___
Absent: ___
Approved ___
( ) Minute Order Attached ( ) No Action Necessary

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:

Clerk: ___

CAO: ___
MARIPOSA COUNTY RESOLUTION NO. 06-350
A POLICY REGARDING OVERTIME FOR
MEMBERS OF THE SHERIFF'S OFFICE

WHEREAS, all local governments must pay overtime for all hours worked by employees in excess of forty (40) hours per workweek, and

WHEREAS, Congress has adopted legislation to permit some exceptions to that rule to allow alternative work schedules, and

WHEREAS, it is the desire of the Board of supervisors to comply with all applicable sections of the Fair Labor Standards Act;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that a policy regarding overtime for certain sworn members of the Sheriff's Office shall be as follows:

1. No member of the Sheriff's Office shall earn overtime or voluntarily work overtime after the effective date of this Resolution, unless it is the judgment of the Sheriff that the overtime work is absolutely necessary to perform the functions of the office.

2. If, in the opinion of the Sheriff, an employee earns overtime as a result of a necessity, then in that event, the employee may, at the discretion of the employee be given compensatory time, at the rate of time and one-half in lieu of pay.

3. The sheriff shall be charged with responsibility of monitoring and regulating the provisions of this Resolution relative to County employees working under his or her supervision.

4. The work period for members of the Sheriff's Department shall be twenty-eight (28) consecutive days.

PASSED AND ADOPTED this 25th day of July, 2006 by the Board of Supervisors of Mariposa County by the following vote:

AYES: STETSON, TURPIN, BIBBY, FRITZ, PICKARD
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE

LEE STETSON, Chair
Board of Supervisors

ATTEST:

MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

THOMAS P. GUARINO
County Counsel