ORDINANCE NO. 410

The Board of Supervisors of the County of Mariposa, State of California, do ordain as follows:

SECTION 1: This Ordinance shall be known as the "Mariposa County Classification Ordinance".

SECTION 2: The positions of elective officers, deputies, assistants and employees heretofore by Ordinance created are hereby reaffirmed and are allocated to the classification hereby established.

SECTION 3: Definition of terms. The words and terms defined in this section shall be the following meanings in this Ordinance and in any other Ordinance classifying or authorizing the employment of personnel in any department or office of Mariposa County.

(a) "County Service" means all positions in all departments and offices that are subject to control and regulation by the Board of Supervisors of Mariposa County.

(b) "Exempt Service" means the positions of such appointive officials, deputies and other employees as are specifically designated by the Board of Supervisors to be exempt from the classification plan.

(c) "Classified Service" means all positions other than those stated to be exempt.

(d) "Employee" means any person legally occupying an appointive or elective position in County Service for compensation.
(e) "Compensation" means the salary, wage, fees, and other forms of valuable consideration paid to any employee by reason of service in any position, but does not include any allowances authorized and paid as reimbursement for additional expenses or mileage payments.

(f) "Continuous Service" means employment in the County Service without break or interruption except that neither military leave, nor leaves of absence on account of illness, whether with or without pay shall be construed as a break in continuity of service. Other absences in excess of 90 days in any period of 12 consecutive months including layoffs for lack of work or funds, or the abolishment of position, shall be a break of "Continuous Service". Elective officials are not limited by this definition.

SECTION 4: Exempt Service. Persons under contract or serving by special agreement are exempt from this Ordinance unless specifically included by Board order.

SECTION 5: Classification of Positions. All positions established in the County Service shall be classified by the Board of Supervisors to effect as nearly as possible in equality of compensation for the equal duties, qualification and responsibilities.

SECTION 6: Amendments to and Maintenance of Classification Plan. Whenever one or more new positions are to be established, or when, for any reason, there is a substantial change in the duties or responsibilities of any existing positions, the
classifications as set forth in this Ordinance shall be amended or revised in the following manner:

Whenever any county officer or head of any county department deems that there is a need for such amendment or revision, he shall report in writing to the Board of Supervisors setting forth the facts of the situation.

The Board of Supervisors shall consider the report and if the Board finds sufficient reason to do so it may by resolution, Board order, or further ordinance amend or revise this Ordinance.

SECTION 7: When, pursuant to this Ordinance, a person is hired, or an employee's classification is changed, such fact shall be reported for salary purposes to the County Auditor on forms to be supplied by the Auditor. Such change shall not become effective until report has been made on such forms.

SECTION 8: The schedule of salaries for department heads and employees shall be as established by Board order.

SECTION 9: Vacation and Sick Leave.

(a) Employees shall be entitled to 15 working days vacation annually with pay. Employees who have completed 15 years in County employment shall be entitled to 20 working days vacation annually with pay. Employees may accumulate up to thirty (30) days without approval of the Board of Supervisors. With the approval of the Board of Supervisors, and upon request in writing to the department head, the Board of Supervisors may allow an employee to accumulate up to a maximum of forty-five (45) days. Accumulated vacation may be taken between anniversary dates with the approval of
the department head. No employee may take more than thirty (30) days vacation without the approval of the Board of Supervisors and recommendation of the department head.

(b) Employees shall be entitled to cumulative sick leave with pay at the rate of 1 1/4 (one and one-fourth) days per month, with a maximum accumulation of 90 days sick leave. Each department head shall have the right to require a doctor's certificate showing that any employee under his jurisdiction is unable to perform the duties of his employment by reason of illness. In the event that said certificate is not provided within three days from the date of demand, then said department head shall report the fact of his demand for said certificate and the failure to give said certificate to the County Auditor, and the employee concerned shall not be entitled to receive compensation herein provided until such time as he shall provide proof satisfactory to the department head of his right to receive compensation for sick leave.

SECTION 10: Temporary Employment. The Board may, as it deems necessary, authorize the hiring of any temporary help at a compensation to be stated at the time of authorization by the Board.

SECTION 11: Special Qualification. When, by reason of special qualification, a person entering county service should enter at a higher than initial step, the Board may so authorize
by minute order the placement of the new employee in the appropriate step.

SECTION 12: Applicable salary rates following promotion, demotion, or transfer. In case of the promotion of any employee in the County Service to a position in a higher salary range, such employee, after promotion shall be entitled to receive compensation at one step higher than the comparable salary received in the salary range and step lower; provided, however, that in those cases where the salary range overlaps, the employee shall receive the next higher step in the range of the new class, and such person shall assume and thereafter retain the anniversary date of his new appointment, provided that in the event any employee in the service of the county is promoted who immediately prior to promotion was receiving compensation in his position at a rate higher than the maximum for the class to which he is promoted, such promotion shall not operate to reduce the rate of compensation for such persons, but such compensation shall not be increased thereby. In the case of demotion of any employee in the County Service to a lower class of position, such employee shall be entitled to retain the salary step in the lower range corresponding to that which he was receiving in the higher class before such demotion; in such cases, the employee shall retain his original anniversary date. In the case of the transfer of any employee from one position to another in the same class, or to another class to which the same salary range is applicable, the employee shall remain at the same salary rate and shall retain his original anniversary date.

SECTION 13: Cumulation of Service in One Class of Position. Wherever an employee accepts work under a different class of position or in exempt series in the County Service, the character
and nature of which work is similar and the responsibilities are
equal or superior to the work such employee has been performing,
and later returns to his former position, his term of employment
under such different class of position shall apply on and be
added to his term of service in the former class upon his return
to same, provided his employment in the County Service has been
continuous from the date on which the employee accepts work in
such different class.

SECTION 14: Fees. The following County and District
Officers are hereby authorized to retain for their own personal
use fees as follows:

(a) Public Administrator - All fees allowed by law.

(b) Constables - All mileage and fees for the service
of papers issued by any Court in Civil cases; mileage
for every mile actually traveled in making arrests
and in taking persons from the place of arrest to
Court or the County Jail; $8.00 for summoning a jury
for the trial of a criminal case.

SECTION 15: Each employee shall be assigned a step classi-
fication within the applicable salary range provided for that
employment.

SECTION 16: For purposes of this section, Yosemite National
Park shall be considered outside of the County of Mariposa.

SECTION 17: Disciplinary Action.

A. The extent of the disciplinary action taken shall be
commensurate with the offense. The employee's prior
employment history may be considered as pertinent in
the determination. Each of the following acts is a
ground for disciplinary action:

(1) fraud in securing employment;

(2) failure to abide by any condition of employment;

(3) incompetence, inefficiency, or inexcusable neglect of duty;

(4) unauthorized absence from duty or abuse of sick leave;

(5) negligence or failure to observe safety rules or precautions of a superior; violation of a regulation or order given by a supervisor;

(6) insubordination or willful disobedience;

(7) intoxication while on duty or intemperance or addiction to the use of narcotics or habit-forming drugs;

(8) dishonesty or immorality;

(9) conviction of any criminal act;

(10) failure to meet financial obligations to the extent this leads to garnishment of wages;

(11) inexcusable violation of a federal, state, county and city law, regulation or rule.

SECTION 18: Kinds of Action.

A. The disciplinary action may be dismissal, suspension, reduction in step within range, demotion without consent, disciplinary probation, warning, or any appropriate combination of these.

(1) **Dismissal.** Dismissal is the discharge of an employee from the county service. Termination of employment is permanent.
(2) **Suspension.** Suspension is without pay and for a period not to exceed 30 days in any fiscal year. A suspended employee forfeits his rights as an employee while serving such suspension.

(3) **Reduction in step within range.** Reduction in step within range is the withdrawal of increments granted for merit, efficiency and length of service. Reduction in pay is effective at the beginning of the next payroll period following the effective date of the disciplinary action. Reduction may be permanent or temporary.

(4) **Demotion without consent is reduction in classification or rank to a lower classification or rank with reduction in salary.** Demotion without consent may be to the lowest classification or rank in the series to that within which the class is located. Demotion may be permanent or temporary. Reduction in pay is effective at the beginning of the next payroll period following effective date.

(5) **Disciplinary probation.** Disciplinary probation makes the employee placed on disciplinary probation ineligible for earned time for salary review while on such probation.

(6) **Warning.** Warning is an official notification to the employee that there is cause for dissatisfaction with his service or conduct and that further disciplinary measures may be taken if the cause is not corrected. An official warning shall be in
writing and becomes a part of the employee's
official personnel record.

SECTION 19: Effective Date. The effective date of disci-
plinary action is the time designated by the person authorizing
the action. Disciplinary action may not be made effective prior
to the date the action is taken.

SECTION 20: Authority to Take Disciplinary Actions. The
Department Head has authority to take disciplinary action except
in cases of permanent dismissal, in which the Board of Supervisors
shall have the authority to make the final decision. The Depart-
ment head's action is subject to review by the Board of Supervi-
sors; and he shall notify the Board of Supervisors of the action
taken as soon as possible after it is taken.

SECTION 21: Written notice to employees of disciplinary
action. The department head shall give the employee written notice
of the action at or before it becomes effective. The written
notice shall include specific charges as to offense and the time,
place and circumstances of the offense or offenses.

SECTION 22: Right of Appeal. An employee disciplined
under these rules has the right to an appeal hearing before the
Board of Supervisors sitting as a Personnel Grievance Board. Said
hearing shall be conducted pursuant to the rules set out in
Mariposa County Resolution No. 75-103 and amendments.

SECTION 23: Reimbursement for loss of pay.
A. If disciplinary action is subsequently revoked or
modified the employee is entitled to reimbursement
for loss of pay. Reimbursement is limited to the
period of time between the date of initial action and
the date of final decision.

SECTION 24: Officers and employees shall be reimbursed for the cost of meals while on County business outside of the County. For purposes of this section, Yosemite National Park shall be considered outside of the county.

SECTION 25: Annual merit promotions. Promotions within assigned salary ranges may be made by the Board of Supervisors, with each such promotion to become effective as of the first day of the month following the anniversary date of the employee affected thereby, provided, however, that each such promotion shall be based upon a written report and recommendation of the County Officer or Department head under whom the particular employee serves, as well as a finding by the Board of Supervisors, that the performance record of the said employee merits such promotion. Except as otherwise provided herein, no employee may be promoted by more than one step, whether by step assignment or by assignment of a new salary range, during any period of twelve months.

SECTION 26: Mariposa County Ordinances Nos. 174, 179, 184, 190, 192, 194, 212, 213, 220, 221, 229, 239, 241, 246, 251, 252, 261, 262, 274, 276, 278, 282, 285, 290, 294, 298, 300, 307, 310, 312, 313, 322, 325, 326, 327, 336, 339, 357, 360, 378, 394, together with all amendments thereof in conflict herewith, are hereby repealed.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa this 25 day of November, 1975, by the following vote:

AYES: Clark, Long, Moffitt, Richardson

NOES: None
ABSENT: Dalton
NOT VOTING: None

TOM R. RICHARDSON, Chairman

ATTEST:

ELLEN BRONSON, County Clerk
and Ex-Officio Clerk of the Board