March 12, 1990

TO: Department Heads

FROM: John W. McCamman, Administrative Officer

SUBJECT: Conviction of Crimes by County Employees or Prospective County Employees

Attached please find Resolution No. 90-112 concerning continued employment or hiring of persons convicted of a felony or any misdemeanor having a direct bearing on the job function of the individual. This resolution was adopted by the Board of Supervisors at their meeting of March 6, 1990.

Please review this information and post it where employees will have access to it. It is the Department Head's obligation to ensure that this information is disseminated to employees and that its provisions are enforced. Before any significant specific action is taken affecting an employee, please discuss the circumstances with Jeff Green or me.

Thank you for your attention to this item.

bd
attachment
MARIPOSA COUNTY RESOLUTION NO. 90-112

BE IT HEREBY RESOLVED BY THE BOARD OF SUPERVISORS of Mariposa County, a political subdivision of the State of California as follows:

1. Conviction of a crime by a County employee, while in the employ of the County, may be cause for job action, including termination, if any of the following exist:
   a. There exists a nexus between the type of crime actually committed and the job function of the employee, or
   b. The crime was one of moral turpitude, or
   c. The crime was of such a nature that the continued employment of the individual would tend to bring discredit to the County.

Nothing contained herein shall prohibit a Department Head or supervisor from taking job action prior to a conviction or if no conviction occurs, if sufficient facts exist to warrant such action.

2. During the hiring process the County shall consider any felony convictions or any misdemeanor conviction which resulted in prison time in the assessment of whether to hire a prospective employee. Such conviction are subject to discussion during any interview process. In assessing the impact of the conviction the following shall be considered:
   a. There exists a nexus between the type of crime actually committed and the job function being applied for, or
   b. The crime was one of moral turpitude, or
   c. The crime was of such a nature that it would tend to bring discredit to the County if the person was employed.

PASSED AND ADOPTED this 6th day of March, 1990, by the Board of Supervisors of Mariposa County by the following vote:

AYES: BAGGETT, PUNTE, ERICKSON, RADANOVICH, TABER
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE

ARTHUR G. BAGGETT, JR. Chairman
Board of Supervisors

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

MARGIE WILLIAMS
Clerk of the Board

JEFFREY G. GREEN
County Counsel
RECOMMENDED ACTION AND JUSTIFICATION:
Pass, adopt and authorize Chairman to sign the Resolution attached hereto as Exhibit "A", which establishes personnel policies regarding: a) job action to be taken in the event of conviction of a crime by an employee, and b) conviction matters to be considered during the hiring process.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board referred this matter to the Government Finance and Operations Committee on February 13, 1990 for review and recommendation. This resolution is the result of action taken by the Committee members.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
No policy would exist

COST: ( ) Not Applicable
A. Budgeted current FY $________
B. Total anticipated costs $________
C. Required add’l funding $________
D. Source:________

SOURCE: ( ) 4/5ths Vote Required
A. Internal transfers $________
B. Unanticipated revenues $________
C. Reserve for contingency $________
D. Description:________
Balance in Reserve for Contingencies, if approved: $________

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

CLERK’S USE ONLY:
Resolution No. 90-112
Ordinance No.________
Vote: Ayes: 5 Noes:____
Absent: ______ Abstained: ______
Approved ( ) Denied ( )
Minute Order Attached

The foregoing instrument is a correct copy of the original on file in this office.
DATE:________
ATTEST: MARGIE WILLIAMS
Clerk of the Board of Supervisors
County of Mariposa, State of Calif.
By:________
Deputy

ADMINISTRATIVE OFFICER’S RECOMMENDATION:
This item on agenda as:
// Recommended
// Not Recommended
// For Policy Determination
// Submitted with Comment
// Returned for Further Action

Comment:________
A.O. Initials:________

Action Form Revised 12/89
AGENDA OF (Date): 3/6/90

DEPARTMENT: County Counsel
BY: Jeffrey G. Green
APPROVED BY DEPT. HEAD:

AGENDA TITLE:
Resolution establish policy re: job action to be taken when an employee is convicted of a crime, and conviction matters to discuss during hiring process.

4/5ths Vote Required: Yes [X] No

AGENDIZE AS:

Routine Agenda: 
Information: 
Attention: [X]
Timed:

IF TIMED:
( ) Public Hearing at: 
( ) Public Input Anticipated
( ) Indicate Time Required:

STAFF REVIEW REQUIRED:

ROUTE: 
APPROVED AS TO FORM
REMARKS:

County Counsel
Auditor
Personnel
Purchasing
Other

SPECIAL INSTRUCTIONS TO CLERK:

Rush! Need to have signed documents by:
Legal publication required. (This is responsibility of submitting department.)
Other (i.e., need cert. resolutions, and/or signed contracts)
You want us to send copy of Action to:

CLERK'S USE ONLY:
RECEIVED: 2-28-90
By:

AGENDIZED FOR: 3-6-90
Agenda Item No.:
Routine Agenda. 
Information . . . . . .
Attention . . . . . . . [X]
Timed at:

Trans. Form Revised 12/89