DEPARTMENT: County Counsel  
BY: Jeffrey G. Green  
PHONE: 209/966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No X___)

Pass and adopt this resolution establishing the attached policy granting department heads, together with concurrence of the Personnel Officer, the authority to waive the requirement for possession of a California driver's license and/or high school graduation (or equivalent), as stated in certain Mariposa County class specifications for the purpose of appointing an otherwise-qualified applicant to a specific open position.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Americans with Disability Act of 1990, revised, mandates employers to review the "essential tasks" required to be performed by each job classification. The Personnel Office does not believe that either the requirement for a California driver's license and/or high school graduation (or equivalent) is essential for an individual to be able to perform the "essential tasks" required by many Mariposa County class specifications.

As time allows, the Personnel Office will review and modify, as required, all class specifications with a view to better define the essential tasks required to be performed in order to be in compliance with the ADA. In the interim, this requested policy will permit the appointing department, with the prior concurrence of the Personnel Officer, to waive requirements which might be considered as discriminatory under broad EEOC guidelines.

FIRST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve this requested policy resolution.

Make any change to this requested policy resolution as deemed necessary.

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<thead>
<tr>
<th>COSTS:</th>
<th>SPECIAL INSTRUCTIONS:</th>
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<tr>
<td>(X) Not Applicable</td>
<td>List the attachments and number the pages consecutively:</td>
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| A. | Budgeted current FY | $ |
| B. | Total anticipated costs | $ |
| C. | Required additional funding | $ |
| D. | Internal transfers | $ |

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<tr>
<th>SOURCE:</th>
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<td>( ) 4/5ths Vote Required</td>
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| A. | Unanticipated revenues | $ |
| B. | Reserve for contingencies | $ |
| C. | Source description: |
| | Balance in Reserve for Contingencies, if approved: $ |

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<tr>
<th>CLERK’S USE ONLY:</th>
<th>ADMINISTRATIVE OFFICER’S RECOMMENDATION:</th>
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<tr>
<td>Res. No.: [94-106]</td>
<td>This item on agenda as:</td>
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<tr>
<td>Ord. No.</td>
<td></td>
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<tr>
<td>Vote - Ayes:</td>
<td>Recommended</td>
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<tr>
<td>Absent:</td>
<td>Not Recommended</td>
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<tr>
<td>Approved</td>
<td>For Policy Determination</td>
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<td>Submitted with Comment</td>
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<td>Returned for Further Action</td>
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| Minute Order Attached |  |
| |  |
| | ( ) Denied |
| | ( ) No Action Necessary |

The foregoing instrument is a correct copy of the original on file in this office.

ATTEST: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California

By: Deputy

A.O. Initials: [Signature]

Action Form Revised 5/92
MARIPOSA COUNTY RESOLUTION NO. 94-106

ESTABLISHING A POLICY
GRANTING DEPARTMENT HEADS, WITH CONCURRENCE OF PERSONNEL OFFICER,
AUTHORITY TO WAIVE EMPLOYMENT REQUIREMENT FOR POSSESSION OF
CALIFORNIA DRIVER'S LICENSE AND/OR HIGH SCHOOL GRADUATION (OR EQUIVALENT)

WHEREAS, the Board of Supervisors has reviewed the need to waive certain employment
restrictions imposed by existing Mariposa County class specifications requiring an applicant's possession
of either a California driver's license and/or high school graduation (or equivalent) relative to actual
performance of the essential tasks required by specific classifications and wishes to delegate that authority
to the various department heads with the concurrence of the Personnel Officer;

NOW, THEREFORE, BE IT RESOLVED that the following policy statement and procedure
will govern such requested waiver by the hiring department.

WAIVER OF POSSESSION OF CALIFORNIA DRIVER'S LICENSE AND/OR
WAIVER OF POSSESSION OF HIGH SCHOOL GRADUATION (OR EQUIVALENT)

It is the policy of the Board of Supervisors that Department Heads, with the concurrence of the Personnel
Officer, shall have the authority to waive the requirement for an applicant to have possession of a
California driver's license and/or high school graduation (or equivalent) established by the following
procedure:

1. Prior to submission of a recruitment request form to the Personnel Office, the Department
   Head shall review the minimum requirements for the requested position as stated in the County
class specification. If the Department Head believes that possession of either or both of the above
requirements is not necessary by applicants in order to perform the essential tasks of the position,
the Department Head shall request waiver of either or both requirements in a brief memorandum
addressed to the Personnel Officer and submit it with the Recruitment Request form.

2. Upon receipt of this request, the Personnel Officer shall review this request and state
   concurrence or denial on a copy of said memorandum and return it to the requesting Department
   Head.

3. If the request to waive either or both requirements is approved by the Personnel Officer,
   the following statement shall be included in the job bulletin at a location immediately following the
   statement of Minimum Qualifications:

   The appointing department head and the Mariposa County Personnel Officer
   have waived the requirement for possession of a (California driver's license and/or
   High School Graduation or equivalent) for applicants found to be otherwise
   qualified to perform the essential tasks required by this position.

4. Any waiver granted pursuant to this policy should be noted on the Personnel-Payroll
   Action Form at the time the appointment documents are processed.

5. No waiver will be allowed if not approved prior to commencement of recruitment
   advertising.

PASSED AND ADOPTED this 5th day of April 1994, by the Board of Supervisors of Mariposa
County by the following vote:

AYES: BAGGETT, BALMAIN, ERICKSON, PARKER, TABER
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE

Arthur G. Baggett, Jr., Chairman
Mariposa County Board of Supervisors