RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes [x] No [ ])

Pass and adopt this Resolution authorizing an out-of-class payment to Catherine C. Adams, acting Librarian for the County Library and branches, from September 1, 1992 through and including December 31, 1992 at the monthly salary of $2,437. Additionally authorize an out-of-class payment to Ms. Adams beginning January 1, 1993 through and including the date a Librarian is hired at the rate of pay the Board establishes when the new Librarian is hired. Direct the Auditor to pay Ms. Adams what is due her from September 1, 1992 through December 31, 1992, upon receipt of a copy of this Resolution.

The Memorandum of Understanding with the Mariposa County Employees' Association allows for such payment under Article 11, Section 11.4, "Temporary Assignments". Counsel's letter to the Board attached hereto further justifies an out-of-class payment.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board entered into a Memorandum of Understanding with the Employees' Association effective July 1, 1990. This MOU permits out-of-class payments for temporary assignments.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve this Resolution. Seek an alternative solution for this issue.

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

SOURCE: ( ) 4/5ths Vote Required
A. Unanticipated revenues $________
B. Reserve for contingencies $________
C. Source Description: ____________________________

Balance in Reserve for Contingencies, if approved: $________

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:
Counsel's letter of 2/26/93

CLERK'S USE ONLY:
Res. No.: 93-137 Ord. No.: ________
Vote: Ayes: [x] Noes: ________
Absent: [ ] Abstained: ________
Approved ( ) Denied
( ) Minute Order Attached
( ) No Action Necessary

The foregoing instrument is a

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

Comment: 

A.O. Initials: 

Action Form Revised 5/92
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: EVELYN BILLINGS, AUDITOR
FROM: MARGIE WILLIAMS, CLERK OF THE BOARD
RE: OUT-OF-CLASS PAYMENT/LIBRARIAN

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on March 9, 1993

ACTION AND VOTE:

Approval of Consent Agenda (See End of Minutes)
BOARD ACTION: Supervisor Parker pulled items 1, 2 and 8. Balance of items were approved/Ayes: (M)Baggett, (S)Balmain, Erickson, Parker; Excused: Taber. Following discussion, item 1 was approved/Ayes: (M)Parker, (S)Baggett, Erickson, Balmain; Excused: Taber. Item 2 was continued for discussion with Health Officer later this date. Following discussion, item 8 was approved, with direction given for staff to review the contract and payments to Tuolumne County for Librarian services/Ayes: (M)Baggett, (S)Parker, Balmain, Erickson; Excused: Taber.

cc: Jeff Green, County Counsel
    Catherine Adams/Library
    Lisa Edelheit/SEIU
    Personnel
    File
TO: Board of Supervisors

FROM: Jeffrey G. Green, County Counsel

RE: Request and Recommendation for Out-of-Class Payment

Dear Board Members:

As you know, during the calendar year 1992 the County of Mariposa contracted with Tuolumne County to provide a Librarian and library services. That contract ceased in its entirety December 31, 1992 and commencing January 1, 1993, the County has provided all Librarian and other services to the County Library and branches.

It has come to my attention that Catherine C. Adams, who is now and at all times relevant herein was the Senior Library Assistant, has in effect been acting as the Librarian since Mr. Hastings left Tuolumne County's employment at the end of August 1992. Therefore, beginning September 1, 1992 through and including the present time, Ms. Adams has been the acting Librarian and performing all of the Librarian duties, including certifying payroll for the main branch and other branches, directing main and branch library operations, preparation of the mid-year budget, and all other activities normally accomplished by the Librarian.

Even though the County of Tuolumne, beginning September 1, 1992, appointed its Parks and Recreation Department Head as the "Librarian", in fact that individual did not perform any actual Librarian services and, therefore, Ms. Adams was performing those services commencing September 1, 1992. The rate of pay for the Tuolumne County Librarian for the months of September through December 1992 was at the rate of $2,437 per month. Ms. Adams' rate of pay during that period of time was approximately $1,874 per month.
I am enclosing herewith a copy of a letter dated February 25, 1993 from Ms. Adams to myself requesting out-of-class pay for her services commencing September 1, 1992 through and including the date wherein the County hires a Librarian. As the Board is aware the Memorandum of Understanding with the County Employees' Association, i.e., Article 11, Section 11.4 "Temporary Assignments", requires an employee to be paid at the level of work for temporary assignments out-of-class. This rate of pay is to commence after eighty continuous hours in the temporary assignment, is retroactive, and is to proceed until the out-of-class work is completed.

It is, therefore, my recommendation that the Board of Supervisors approve out-of-class pay for Ms. Adams from September 1, 1992 through and including December 31, 1992 at the rate of $2,437 per month. It is further my recommendation to the Board that Ms. Adams be paid out-of-class pay commencing January 1, 1993 through and including the date the Board hires a Librarian at the rate of pay the Board establishes when the new Librarian is hired.

I am further requesting that the Board direct the Auditor to draw a special warrant for the pay differential due Ms. Adams from September 1, 1992 through December 31, 1992.

Very truly yours,

Jeffrey G. Green
County Counsel

encl/as stated

cc: Catherine Adams
Lisa Edelheit, SEIU
February 25, 1993

Mr. Jeff Green
County Counsel
Mariposa County
Mariposa, CA 95338

Dear Mr. Green,

This letter is my request for "Out-of-Class Payment" under Article 11 - Reclassification and Out-of-Class Work, Section 11.4 Temporary Assignments, of the Memorandum of Understanding between the Mariposa County Board of Supervisors and the Mariposa County Employees' Association, a chapter of the Service Employees International Union Local 752.

My request is based upon the itemized additional duties placed upon me for the period September 1, 1993 until they are reassigned.

A. Certify Payroll for the Main Branch, Red Cloud Branch, Wawona Branch, Yosemite Branch and El Portal Branch.

B. Direct main and branch library operations.

C. Prepare mid-year budget for review.

D. Made public presentations of library goals and procedures.

E. Collect and analyze data for past effectiveness and future needs and goals.

You are aware that Mariposa County has, prior to January 1, 1993, paid another County for their Librarian and supervisory service. While this agreement was in effect, I did perform many tasks out of my classification because of the physical separation between Tuolumne and Mariposa Counties. My "Out of Class" efforts escalated after Mr. Hastings departure at the end of August 1992 and the beginning of Tuolumne
County Parks & Recreation Department Head, Mr. Casas. Although we did have a "defacto" department head, who was responsible for the above itemized higher level duties, I performed many of them.

I have attached a copy of my current Job Title: Senior Library Assistant dated 10/91 for your consideration.

Thank you for attention to this request.

Sincerely,

Catherine C. Adams
Senior Library Assistant

enc.
cc: SEIU Local 752