MARIPOSA COUNTY RESOLUTION NO. 85-315

ESTABLISHING A POLICY
RELATIVE TO PROCEDURES REGARDING COMPLAINTS
AGAINST A COUNTY EMPLOYEE

WHEREAS, in the County of Mariposa there exists no policy
or procedure to handle complaints against a County employee, and
WHEREAS, the Board of Supervisors desires to establish a
policy and procedure to handle complaints which may arise
against a County employee;

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors
of Mariposa County, a political subdivision of the State of
California, as follows:

1. All Complaints regarding a County Officer or Employee
(Employee) must be in writing and delivered to the Board of
Supervisors in care of the Clerk of the Board, in the County
Clerk's Office, in a sealed envelope marked "CONFIDENTIAL" with
a notation it is a Complaint filed pursuant to this Resolution.
With the exception of a Complaint involving the Sheriff of
Mariposa County, any Complaint against a peace officer employed
by the Sheriff's Department shall not be subject to these pro-
cedures and shall be filed with the Sheriff's Office pursuant
to procedures adopted by the Sheriff's Department.

2. The Complaint shall be specific regarding the following:
   a. The allegation of misconduct or wrongdoing.
   b. Citation of State law or County Code, if applicable.
   c. Give dates, times, and places where event or
      events occurred.
   d. Give names of persons involved and addresses, if
      available.

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e. Any other information which would help the Board determine if there is a basis for any charge of misconduct or wrongdoing.

f. The Complaint must be signed by the individual making the Complaint, or by an authorized representative of a legal entity. If it is not signed by the individual or authorized representative of a legal entity, the Complaint will not be considered by the Board.

3. The Board shall hold a Closed Session to discuss the Complaint at the next regular meeting of the Board of Supervisors after the document is properly filed. The Employee will not be present at the Closed Session unless his/her presence is requested by the Board.

4. The Complainant may be present at the Closed Session, at the discretion of the Board, for either clarification purposes or to answer questions regarding the Complaint.

5. Based upon the written Complaint and the Closed Session, if the Board determines that an action or investigation is necessary then the Employee shall be notified within ten (10) days of that determination being made, of all charges and the identity of the individual and/or the legal entity filing the Complaint.

6. Prior to any disciplinary action being taken against an Employee as a result of a Complaint filed hereunder, the Employee shall be entitled to a hearing before the Board which shall be either closed or open at the option of the Employee. The hearing shall be conducted as a disciplinary hearing as outlined in proposed Section 13.05 of the Policies and Procedures.
Handbook, after adoption Section 13.05 shall continue to be followed, as amended from time to time.

7. The procedures outlined herein shall in no way affect the Board's ability to terminate employees who serve at the pleasure of the Board.

8. The Board of Supervisors shall make available to the Complainant, in writing, the action taken by the Board within (10) days from reaching an ultimate decision on the Complaint.

9. These procedures shall not apply to any grievance or complaint filed by a County Employee wherein the grievance or complaint is regulated by the Mariposa County Policies and Procedures Handbook. The procedures as outlined in the Policies and Procedures Handbook shall prevail in such a case.

PASSED AND ADOPTED this 8th day of October, 1985, by the Board of Supervisors of Mariposa County by the following vote:

Ayes: TABER, DALTON, RADANOVICH, BARRICK, ERICKSON

Noes: None

Absent: None

Abstained: None

EUGENE P. DALTON, JR., Chairman
Board of Supervisors

ATTEST

LYNNE ROBINSON, Assistant County Clerk and Ex Officio Clerk of the Board

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

JEFFREY G. GREEN, County Counsel

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