MARIPosa COUNTY RESOLUTION NO. 85-377

A RESOLUTION rescinding RESOLUTION No. 85-234
relative to policy regarding
OVERTIME OF COUNTY EMPLOYEES

WHEREAS, the United States Supreme Court has
dictated to all local governments, pursuant to Garcia vs.
San Antonio Metropolitan Authority, that all local governments
must pay overtime for all hours worked by employees in excess
of forty (40) hours per work week, and

WHEREAS, Congress has adopted legislation to relieve
County governments from some of the requirements of the Garcia
decision, and

WHEREAS, it is the desire of the Board of Supervisors
to avoid any and all unnecessary charges and/or claims against
the County which comes within its jurisdiction;

NOW THEREFORE, BE IT RESOLVED by the Board of
Supervisors of Mariposa County that a policy regarding overtime
of County employees shall be as follows:

1. No employee of the County shall earn overtime
after the effective date of this Resolution, unless it is the
judgment of the Department Head and/or Personnel Supervisor
that the overtime work is absolutely necessary to perform the
functions of the Department.

2. No employee of the County shall voluntarily

3. If, in the opinion of the Department Head and/or
Personnel Supervisor, an employee earns overtime as a result of
necessity, then in that event, the employee may, at the discretion
of the Department Head and/or Personnel Supervisor, be given
comp time, at the rate of time and one half in lieu of pay.

4. Department Heads and/or Personnel Supervisors shall be charged with the responsibility of monitoring and regulating the provisions of this Resolution relative to all County employees working under their supervision.

5. The County employee's work week is hereby established to commence at 12:01 a.m., Monday and end at 12:00 (midnight) Sunday of each week during the year.

6. The above-mentioned work week shall not apply to the Sheriff's Office, which shall be adopted by separate Resolution.

7. All sworn Peace Officers of the County shall be permitted to accumulate no more than four hundred eighty (480) hours of comp time. All other County employees shall be permitted to accumulate no more than two hundred forty (240) hours of comp time.

8. Resolution No. 85-234, which was adopted by the Board of Supervisors on July 23, 1985 as a result of the Garcia decision, is hereby rescinded and replaced in its entirety by this Resolution.

PASSED AND ADOPTED this ___ day of December, 1985 by the Board of Supervisors of Mariposa County by the following vote:

AYES: Dalton, Erickson, Radanovich, Taber
NOES: None
ABSENT: Barrick
ABSTAINED: None

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

Gerald McCarthy

GERALD MCCARTHY, County Clerk
and Ex Officio Clerk of the Board

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Jeffrey C. Green, County Counsel