MARIPOSA COUNTY RESOLUTION No. 83-64

ESTABLISHING RULES FOR CERTIFICATION
OF EMPLOYEE COMPETENCE AFTER AGE 70

WHEREAS the Board of Supervisors of Mariposa County passed Ordinance No. 596, amending the Contract between said Board and the Public Employees' Retirement System (PERS), which Ordinance becomes effective on February 24, 1983 and which Contract amendment becomes effective on February 25, 1983; and

WHEREAS the amendment enacted by Ordinance No. 596 has the effect of waiving age 70 mandatory retirement for local miscellaneous members only, under the PERS Contract, pursuant to Government Code Section 20983.6; and

WHEREAS, said Section 20983.6 of the Government Code requires certification of the member's competence, after age 70, in the member's position pursuant to rules and regulations adopted by the Board of Supervisors; and

WHEREAS, on February 22, 1983, the Board of Supervisors adopted Resolution 83-48 setting forth rules and regulations for certification of competence; and

WHEREAS, on advice of legal counsel it is necessary that Resolution 83-48 be rescinded and the rules and regulations be amended to conform to law.

NOW THEREFORE, be it resolved by the Board of Supervisors of Mariposa County, that Resolution No. 83-48 is hereby rescinded.

BE IT FURTHER RESOLVED, that the following rules and regulations for certification of employee competence beyond age 70 are adopted to be added to the Personnel Policies and Procedures Handbook, pursuant to Government Code Section 20983.6, as follows:
7.15 CERTIFICATION OF EMPLOYEES BEYOND MANDATORY RETIREMENT AGE

1. Any local miscellaneous employee who reaches the mandatory retirement age specified by law and who desires to continue County employment in the same position without interruption, may apply to the Board of Supervisors for certification of competence pursuant to Government Code Section 20983.6; such application must be filed prior to the retirement date specified by PERS.

2. Upon receipt of such application, the Board may request a report on the employee's competence from the employee's department head or immediate supervisor, if any, which report shall be advisory only and shall remain confidential except as to the employee.

3. The Board of Supervisors may certify the competence of the employee to continue in the employer's position, but failure to so certify on or before the thirtieth day after the mandatory retirement date as set by PERS shall constitute automatic denial thereof.

4. "Competence" for this purpose shall be defined as "qualified, able and authorized to perform the duties of his or her position at a minimum satisfactory level."

5. Each year on the anniversary date of each employee certified to continue employment beyond the mandatory retirement age, the Board may review its certification determination, and upon reversal thereof shall immediately notify the employee and PERS."

PASSED AND ADOPTED this 8th day of March, 1983, by the Board of Supervisors of Mariposa County, by the following vote:

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

ERIC J. ERICKSON, Chairman
Board of Supervisors

ATTEND:

ELLEN BRONSON
ELLEN BRONSON, County Clerk and Ex Officio Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

RICHARD K. DENHALTER
County Counsel

PATRICIA E. ALBERTA
Clerk of the Board