MARIPOSA COUNTY RESOLUTION 79-045

A RESOLUTION AMENDING THE
"MARIPOSA COUNTY PERSONNEL POLICIES & PROCEDURES HANDBOOK", AS AMENDED BY RESOLUTIONS 78-176 AND 79-004

RESOLVED by the Board of Supervisors of the County of Mariposa, State of California, that:

WHEREAS, the Board of Supervisors of the County of Mariposa adopted a "Personnel Policies & Procedures Handbook" on September 19, 1978, which said Handbook has been amended by Resolutions 78-176 and 79-004; and

WHEREAS, Section 2.30 of said Handbook provides for a Personnel Committee composed of five voting members (one elected department head, two appointed department heads, one member of the employees association, and one member from among those employees not members of the employees association) and one non-voting technical advisor (the County Auditor) appointed by the Board of Supervisors; and

WHEREAS, said Personnel Committee is designated to act as a grievance committee, to screen applications for permanent and temporary employment, to consider requests for the establishment of new positions and report recommendations to the Board of Supervisors, to review salary ordinances needed, and to serve as an appeals board with the recommendations to be acted upon ultimately and finally by the Board of Supervisors; and

WHEREAS, said Personnel Committee has been chosen and appointed by the Board of Supervisors; and

WHEREAS, it is in the best interest of the residents and employees of the County of Mariposa to establish set procedures in respect to the conduct of said Personnel Committee.
NOW, THEREFORE, this Board hereby determines and orders that the Mariposa County Personnel Policies & Procedures Handbook be amended by adding Section 12 thereto to read in its entirety as follows:

SECTION 12: PERSONNEL COMMITTEE CONDUCT PROCEDURES

12.01 TERM OF OFFICE

The terms of office of the members of the Personnel Committee shall be as follows:

12.01.01 Length of Term

Election to the Personnel Committee shall be for a term of three years with the exception of the non-voting member appointed by the Board of Supervisors as the technical adviser (the County Auditor) whose appointment shall be reaffirmed by the Board of Supervisors every three years.

12.01.02 Initial Appointments

The initial appointments will be for staggered terms as follows:

1. Three members will initially be appointed for three-year terms.

2. Two members will initially be appointed for two-year terms.

12.01.03 Subsequent Terms

All subsequent terms after the initial appointments shall be for a period of three years, with the exception of the technical adviser appointment by the Board of Supervisors.

12.01.04 Drawing for Term

Initially the five elected members shall draw their terms for a regularly conducted drawing wherein three terms for three years will be drawn and two terms for two years will be drawn.

12.01.05 Vacancies

Vacancies occurring through lapse of term, illness, or termination of employment with the County shall be filled by the election process utilized in respect to the election of the initial five members of the Personnel Committee with each representative being elected by that respective group.

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12.02 OFFICERS AND SUBCOMMITTEES

12.02.01 Officers

The chairperson and vice chairperson of the Personnel Committee shall be elected by the Committee.

12.02.02 Subcommittees

Subcommittees may be established for a period to be determined by the chairperson to study such topics and issues as required from time to time.

12.03 MEETINGS

Regular meetings of the Personnel Committee shall be held once a month on the last Wednesday of each month at 9 A.M.

Special meetings may be held at any time upon the call of the chairperson or any member of the Personnel Committee.

Business may be transacted at regular or special meetings of the Personnel Committee when a quorum of at least five members is present.

12.04 STAFF SUPPORT

12.04.01 Secretarial Support

Secretarial support to the Personnel Committee shall be provided by the Board Secretary; the secretary's responsibilities shall include the preparation and mailing of agendas and notices of meetings and the taking, recording, and mailing of minutes of Personnel Committee meetings.

12.04.02 Technical Support

Technical support to the Personnel Committee shall be provided by the various County department heads as required.

12.05 PROCEDURES FOR HEARINGS BEFORE THE PERSONNEL COMMITTEE

12.05.01 Hearing Scheduled

Within twenty days of receipt of a grievance appeal from a County employee, the Personnel Committee shall schedule a hearing for the Committee to hear the grievance.

12.05.02 Notice of Hearing to Employee

At least ten days prior to the hearing, the Personnel Committee shall notify the employee and/or the employee's attorney of the date, time, and place of hearing by mailing a notice of same by certified mail to the employee and/or the employee's attorney.
12.05.03 Grievance Statement

At least five days prior to the hearing, the employee may file in writing with the Personnel Committee a statement under oath, pertaining to the employee's grievance.

12.05.04 Hearing Continuance

The Personnel Committee may grant a continuance of the hearing to a later date and time.

12.05.05 Conduct of Hearing

The Personnel Committee shall hear the grievance at the time and place designated. The chairperson of the Personnel Committee shall preside at the hearing, rule on the admission or exclusion of evidence, and exercise all other powers relating to the conduct of the hearing. The employee and the department head shall have the right to be heard and present facts at the hearing.

12.05.05.01 Court Reporter. The hearing proceedings shall be reported by an authorized court reporter.

12.05.05.02 Order of Presentation. The department head shall be heard first, and then the employee shall reply. After the employee's presentation, the department head shall be allowed time for rebuttal.

12.05.05.03 Rights. Each party shall have the following rights during the hearing:

1. To call and examine witnesses.

2. To introduce exhibits.

3. To cross-examine opposing witnesses on any matter relevant to the issues, even though the matter was not covered in the direct examination.

4. To impeach any witness regardless of which party first called him to testify.

5. The employee may be called and cross-examined as an adverse witness.

12.05.05.04 Evidence. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence shall not be sufficient in itself to
support a finding unless it would be admissible over objection in civil actions. The rules or privileges shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

12.05.06 Hearing Findings

At the conclusion of the hearing, the Personnel Committee shall make official findings as to whether or not to uphold the employee's grievance. The findings shall be based solely on the evidence presented at the hearing. No member of the Personnel Committee who did not hear the evidence shall vote on the findings.

The Personnel Committee shall make a recommendation, in the form of the above-mentioned findings, to the Board of Supervisors relative to the circumstances. Such recommendation shall concern any of the following points:

1. Eligibility of the employee for future employment with the County.

2. Reinstatement to the position from which the employee was discharged with or without back pay.

3. Suspension of the employee for a specified period of time not to exceed thirty days.

4. Any other pertinent matter.

The Personnel Committee's findings and recommendation shall be made in writing, and copies of same shall be remitted to the employee and/or the employee's attorney, the department head, each member of the Board of Supervisors, and the Clerk of the Board to be filed as a matter of public record.

12.05.07 Right of Appeal to the Board of Supervisors

Any action of the Personnel Committee shall be subject to appeal to the Board of Supervisors.

12.05.08 Legal Adviser

The legal adviser of the Board of Supervisors may assist the Personnel Committee at all times during the hearing and during the pendency of the proceedings.

AND, THEREFORE, this Board also determines and orders that Section 7 of the Mariposa County Personnel Policies & Procedures be amended as follows:

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A. Subsection 7.09 is deleted and a new Subsection 7.09 is added to read in its entirety as follows:

7.09 GRIEVANCE COMMITTEE

Upon the filing of an appeal, the Board of Supervisors shall refer to the Personnel Committee, acting as the Grievance Committee, the appeal for hearing. The Personnel Committee shall conduct a grievance appeal hearing and recommend to the Board of Supervisors the Committee's findings. The Board of Supervisors shall take whatever action it deems proper.

B. Subsection 7.10 is deleted and a new Subsection 7.10 is added to read in its entirety as follows:

7.10 GRIEVANCE APPEAL

Within twenty days after the employee has received a notice of discharge, the employee who has regular status may submit a written appeal to the Personnel Committee, acting as the Grievance Committee.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa this 20th day of March, 1979, by the following vote:

AYES: Clark, Dalton, Erickson, Weber, Owings.

NOES: None.

NOT VOTING: None.

ABSENT: None.

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

APPROVED AS TO FORM:

NEIL B. VAN WINKLE
County Counsel/Administrative Assistant to the Board
DATE: March 1, 1979

ATTEST:

JOAN J. LYNE
Clerk of the Board