

RECOMMENDED ACTION AND JUSTIFICATION:

07-315

Amend Resolution No. 04-92 by 1) assigning a Confidential designation to the Assistant Auditor classification; 2) clarify that only one of the Accountant I/II classifications in the Auditor's office has Confidential status; 3) delete the Court Executive Officer as the Trial Court is no longer a County department; and 4) amend the titles of three classifications contained in the Resolution.

1) In reviewing past Resolutions, it appears that the Assistant Auditor classification was overlooked in designating it as Confidential; it is currently classified as a management position. The definition of a Confidential employee is one who has access to or possesses information relating to the County's employer/employee relations, i.e., labor negotiation issues. The Assistant Auditor, along with the Auditor, has always worked with County Administration during the negotiation process, providing Administration with necessary payroll and benefit information. The incumbent in the Assistant Auditor position has been privy to labor negotiation matters that were being discussed at the bargaining table. It is important to correct the Resolution to include the Assistant Auditor as a Confidential classification. This change will not affect the incumbent's salary and benefit package since salary and benefits for Confidential classes are tied to the management bargaining unit.

2) Resolution No. 04-92 lists the Accountant I/II position in the Auditor's Office as a Confidential classification. The Auditor's Office currently has two such classifications allocated to the department. The second Accountant allocation was added in December 2002 when the then Auditor requested the addition of an Accountant II position "to assist and perform property tax functions," "perform some tasks of payroll" as well as assisting with preparing financial statements for the outside auditor. It is necessary to clarify in this action that the second Accountant position is not a Confidential position as it is not privy to labor negotiation issues. This classification currently has a SEIU designation.

3) SB 2140 established the Trial Court Employment Protection and Governance Act which established a trial court employee personnel system. Sometime after its adoption, the Courts negotiated its own Memorandum of Understanding with Court employees. Once negotiations were completed, Court employees were no longer considered County employees. Thus, reference to the Court Executive Officer position in Resolution No. 04-92 needs to be removed.

4) Since the adoption of Resolution No. 04-92, three classifications have had title changes. The Resolution needs to be amended to reflect those changes as follows: Accounting Technician II/Payroll is now Payroll Specialist; Executive Secretary-County Counsel is now Executive Assistant-County Counsel; and Secretary-Board of Supervisors is now Deputy Clerk to the Board.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board periodically amends this Resolution from time to time.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: N/A

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively
Additional Funding Needed: \$ _____		Resolution _____
Source:		_____
Internal Transfer _____		_____
Unanticipated Revenue _____	4/5's vote	_____
Transfer Between Funds _____	4/5's vote	_____

Contingency
() General () Other

4/5's vote

CLERK'S USE ONLY:

Res. No.: 07-315 Ord. No. _____

Vote - Ayes: 5 Noes: _____

Absent: _____

MW Approved

() Minute Order Attached () No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____

Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended

No Opinion

Comments:

Resolution.

CAO: *RFB*

MARIPOSA COUNTY RESOLUTION NO. 07-315

**A RESOLUTION AMENDING RESOLUTION 04-92
RELATIVE TO THE CONFIDENTIAL DESIGNATION
FOR CERTAIN CLASSIFICATIONS**

WHEREAS, California Government Code Section 3507.5, empowers a public agency to designate Management and Confidential Employees pursuant to rules and regulations adopted therefore, and

WHEREAS, Mariposa County Resolution Nos. 88-479, 91-510, 98-362, 99-347, 00-243, 01-29, 02-18, 02-369, and 04-92 establishes rules and regulations providing for designation of Management and Confidential Employees, and

WHEREAS, the Board of Supervisors desires to designate certain employee positions as Management and Confidential Employees, and

WHEREAS, the Board of Supervisors desires to amend Resolution No. 04-92 by adding the Assistant Auditor classification and designating it as Confidential, and

WHEREAS, Resolution No. 04-92 needs to be further amended by clarifying that only one Accountant I/II allocation in the Auditor's Office is Confidential, and

WHEREAS, further amendment to Resolution No. 04-92 shall be made by removing the Court Executive Officer classification as the Court is no longer a County department, and

WHEREAS, certain classifications named in Resolution No. 04-92 have title changes and the Board of Supervisors desires to reflect the appropriate classifications that are designated Confidential;

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

1. Management positions shall be defined by the Memorandum of Understanding currently in effect with Mariposa County and the Mariposa County Managerial and Confidential Organization.
2. The following are designated as Confidential Employees:

"Confidential Employee" means any employee who, in the regular course of his/her duties, has access to or possesses information related to his/her employer's employer-employee relations. The following positions are tied to the Mariposa County Managerial and Confidential Organization for benefits and salaries, and are not dues-paying members of the unit. Benefits do not include Administrative Leave, and these employees are subject to overtime compensation under the Fair Labor Standards Act, with the exception of the Deputy County Administrative Officer and the Administrative Analyst-Administration which are overtime exempt as an administrative employee

pursuant to the Fair Labor Standards Act and shall receive Administrative Leave.

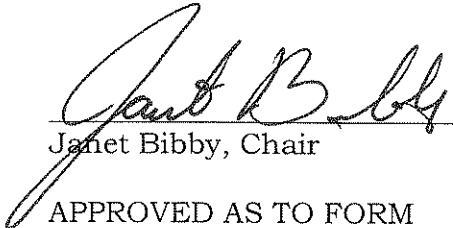
- a. Accountant I/II – Auditor (applies to 1 position only-benefits coordinator)
- b. Administrative Analyst – Administration
- c. Administrative Technician
- d. Assistant Auditor
- e. Deputy Clerk to the Board
- f. Deputy County Administrative Officer
- g. ExecutiveAssistant– County Counsel
- h. Secretary – Administration
- i. Payroll Specialist

3. The following position is tied to the Mariposa County Managerial and Confidential Organization for benefits and is not a dues-paying member. Benefits do not include Administrative Leave, and this employee is subject to overtime compensation under the Fair Labor Standards Act. Salary is set by the Board of Supervisors.

Clerk to the Board of Supervisors

PASSED AND ADOPTED this 10th day of July, 2007, by the Board of Supervisors of Mariposa County by the following vote:

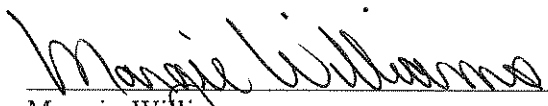
AYES:	ABORN, TURPIN, BIBBY, FRITZ, PICKARD
NOES:	NONE
ABSENT:	NONE
ABSTAINED:	NONE



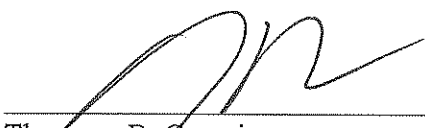
Janet Bibby, Chair

APPROVED AS TO FORM

ATTEST:



Margie Williams
Clerk of the Board



Thomas P. Guarino
County Counsel