

DEPARTMENT: County Counsel

BY: Jeffrey G. Green

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes__ No__)

Resolution approving Section 7 of the Superior Court/Service Employees International Union (SEIU) Memorandum of Understanding. The Superior Court has completed its negotiations with SEIU relative to a Court/SEIU Memorandum of Understanding. Section 7 of the MOU purports to give a Court employee the ability to apply for a transfer from the Court to a vacant County position if certain criteria are met as outlined in the memorandum from Michael Berest, Court Executive Officer to County Counsel (attached).

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

COSTS: () Not Applicable
A. Budgeted current FY \$ _____
B. Total anticipated costs \$ _____
C. Required additional funding \$ _____
D. Internal transfers \$ _____

SOURCE: () 4/5ths Vote Required
A. Unanticipated revenues \$ _____
B. Reserve for contingencies \$ _____
C. Source description: _____
Balance in Reserve for Contingencies, if approved: \$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

Memo to Board of Supervisors
Memo from Court Executive Officer to County Counsel

CLERK'S USE ONLY:
Res. No.: 02-105 Ord. No. _____
Vote - Ayes: _____ Noes: _____
Absent: _____ Abstained: _____
Approved _____ Denied _____
() 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

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

Recommended


Not Recommended

For Policy Determination

Submitted with Comment

Returned for Further Action

Comment: _____

A.O. Initials: 



Office of the
County Counsel

M E M O R A N D U M

Date: March 20, 2002

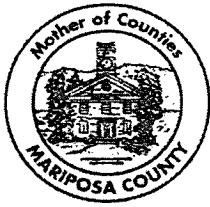
To: Board of Supervisors

From: Jeffrey G. Green, County Counsel

Re: Court/SEIU Memorandum of Understanding – Section 7

The Superior Court has completed its negotiations with SEIU relative to a Court/SEIU Memorandum of Understanding. Section 7 purports to give a Court employee the ability to apply for a transfer from the Court to a vacant County position if certain criteria are met as outlined in the memorandum from Michael Berest, Court Executive Officer to County Counsel, attached. In order for the Court to finalize the MOU the Board of Supervisors will have to approve the transfer language. Personnel is recommending to the Board approval of the transfer language. Approval by the Board will give Court employees an opportunity to move back into the County system through and including December 31, 2002 should a vacancy arise and should the employee desire to be transferred back into the County system. This language will not guarantee a Court employee employment with the County; it will simply give the employee the ability to apply for that position and be considered with other in-county employee applicants.

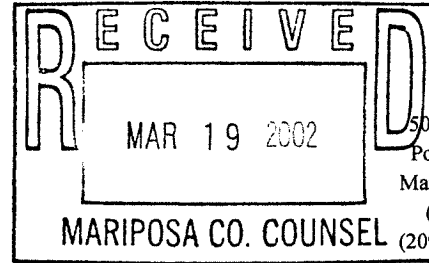
rs



Superior Court of the State of California
County of Mariposa

F. Dana Walton
Superior Court
Presiding Judge

Michael Berest
Court Executive Officer



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March 19, 2002

TO: Jeffrey G. Green
County Counsel *MB*

FROM: Michael Berest
Court Executive Officer

SUBJECT: WINDOW OF OPPORTUNITY FOR TRANSFER

Per your request, I am formally asking you agendize for Board approval the section of the Superior Court's personnel policies concerning the creation of a window of limited opportunity for transfer of court employees to Mariposa County departments. This section has been discussed with SEIU in a meet and confer session.

The section is question is as follows:

SECTION 7 - TRANSFER FROM THE COURT TO THE COUNTY

An eligible employee may apply to Personnel for Mariposa County for transfer to another position in the same class the employee currently occupies at the Court or to a position in any class at the County which is at a salary range which is the same (lateral transfer), or lower (transfer-demote) than that of the employee's present class.

A. Eligibility to Transfer for Interdepartment Transfer from the Court to the County

To be eligible for transfer to a class at the same salary range, the employee must meet the following standards:

1. Meet the minimum qualifications of the class.
2. Must have achieved permanent Civil Service Status with Mariposa County in the present class prior to January 1, 2001.

3. Have a rating of satisfactory or better on the last performance evaluation.

B. Consideration of Transfer Requests Prior to Use of Eligible Lists

Where the Appointing Authority at the County requests to consider interdepartment transfer employees prior to certification of eligibles from an open competitive eligible list or in lieu of certification from an open competitive eligible list for that class Court employees who are eligible for such transfer shall be considered in accordance with the rules of the County. Personnel shall then refer all or selected names of employees of eligibles who have requested transfer from the Court provided that. There are no available eligibles on a department re-employment list.

Nothing in the section precludes the County from considering and referring eligible County employees in addition to eligible Court employees in accordance with the rules of the County.

C. Status and Rights After Transfer

An employee's status after transfer shall be determined by County rules. Employees transferred in accordance with the above sections have no rights to return to their former positions.

The Provisions of this Section and right to transfer from Court positions to County positions expires on December 31, 2002.