



MARIPOSA COUNTY

Auditor ·



RESOLUTION - ACTION REQUESTED 2016-405

MEETING: August 2, 2016

TO: The Board of Supervisors

MINUTE ORDER ATTACHED

FROM: Debbie Isaacs, Auditor

RE: Rescind Resolution No. 15-584 and Adopt a New Resolution Establishing Acting Assignment Pay

RECOMMENDATION AND JUSTIFICATION:

Rescind Resolution No. 15-584 and adopt a new resolution exempting acting assignment pay from drawing retirement in accordance with California Code of Regulations Section 571.

At their meeting on December 15, 2015, the Board adopted Resolution No. 15-584, which authorized the payment of acting assignment pay to Department Heads temporarily assuming the duties of another vacant Department Head position. One of the provisions of this resolution was that this pay would be considered special compensation when reporting to California Public Employees' Retirement System (CalPERS), and therefore be subject to retirement. The understanding by the Auditor's office at the time that this resolution was presented to the Board was that acting assignment pay was a form of temporary upgrade pay as outlined by the California Code of Regulations Section 571(a), which governs the types of compensation that are subject to retirement.

However, after further review and communication with CalPERS staff, the Auditor's office in conjunction with CalPERS has determined that acting assignment pay is not a form of temporary upgrade pay as set forth by the California Code of Regulations Section 571(a) and therefore should not be a special compensation subject to retirement. The reason is that in order for an employee to receive temporary upgrade pay, the employee in question should not be performing their ordinary job duties while taking on the additional duties of another position. Since the Department Heads receiving acting assignment pay are not abandoning their ordinary job duties in order to fully perform the function of a vacant Department Head position, this type of pay does not qualify for purposes of drawing retirement.

For the sake of clarification, this Board item is not intending to revoke the Board's authority to pay acting assignment pay to Department Heads under the conditions outlined on page 30 of the attached Mariposa County Job Classification Plan. The rescindment and replacement of Resolution No. 15-584 would apply solely to the fact

that acting assignment pay should not be subject to retirement.

By rescinding Resolution No. 15-584 and adopting a new resolution, thereby exempting acting assignment pay from drawing retirement, the Board would enable the Auditor's office to accurately report payroll to CalPERS in accordance with California Code of Regulations Section 571.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

At their meeting of December 15, 2015, the Board of Supervisors adopted Resolution No. 15-584, which authorized the payment of acting assignment pay and made this type of pay a special compensation subject to CalPERS retirement.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

By not rescinding Resolution No. 15-584 and adopting a new resolution establishing acting assignment pay, the County of Mariposa would not be adhering to the California Code of Regulations Section 571 when reporting payroll to CalPERS.

ATTACHMENTS:

Resolution No. 2015-584(PDF)

California Code of Regulations Section 571 Definition of Special Compensation (PDF)

CalPERS Circular Letter 200-064-14 Common Misreported Items (PDF)

Email from CalPERS staff regarding acting assignment pay (PDF)

Mariposa County Job Classification Plan (PDF)

Amended Acting Assignment Pay Resolution (DOC)

CAO RECOMMENDATION

Requested Action Recommended



Mary Hodson, CAO 7/28/2016

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Smallcombe, Jones, Long, Cann, Carrier

MARIPOSA COUNTY RESOLUTION NO. 16-405

RESOLUTION FOR PAYING ACTING ASSIGNMENT PAY

WHEREAS, the County of Mariposa Board of Supervisors has the authority to implement payroll procedures for the County of Mariposa;

WHEREAS, the County of Mariposa Board of Supervisors hereby elects to pay Acting Assignment Pay to all eligible employees;

WHEREAS, Acting Assignment Pay does not qualify as special compensation subject to CalPERS retirement under the guidelines of California Code of Regulations Section 571;

WHEREAS, the governing body of the County of Mariposa has identified the following conditions for the purpose of its election to pay Acting Assignment Pay:

- This compensation shall apply to all Elected or Appointed Officials who assume the duties of a vacant Department Head position.
- This compensation shall not exceed eighteen consecutive months.
- This compensation shall consist of paying an additional 10% of the employee's base pay beginning 30 days after appointment to the Acting position.
- This compensation will end when a new employee is elected or appointed to the Acting position or at the discretion of the Mariposa County Board of Supervisors.
- The effective date of this Resolution shall be January 1, 2016.

NOW, THEREFORE, BE IT RESOLVED that the County of Mariposa Board of Supervisors, a political subdivision of the State of California, hereby elects to pay Acting Assignment Pay under the conditions set forth above.

PASSED AND ADOPTED this 2nd day of August, 2016 by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, CARRIER
NOES: NONE
ABSTAINED: NONE
EXCUSED: NONE



JOHN CARRIER, Chair
Board of Supervisors

ATTEST:



RENÉ LaROCHE, Clerk of the Board

APPROVED AS TO FORM:



STEVEN W. DAHLEM, County Counsel



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222



JOHN CARRIER, CHAIR
MARSHALL LONG, VICE-CHAIR
ROSEMARIE SMALLCOMBE
MERLIN JONES
KEVIN CANN

DISTRICT V
DISTRICT III
DISTRICT I
DISTRICT II
DISTRICT IV

MARIPOSA COUNTY BOARD OF SUPERVISORS MINUTE ORDER

TO: DEBBIE ISAACS/Auditor
FROM: RENÉ LaROCHE, Clerk of the Board *RL*
SUBJECT: Rescind Resolution No. 15-584 and Adopt a New Resolution Exempting Acting Assignment Pay from Drawing Retirement in Accordance with California Code of Regulations Section 571
Resolution: 16-405

The following correction was made during the Mariposa County Board of Supervisors on **August 2, 2016:**

CA5. Auditor RES-2016-405

Rescind Resolution No. 15-584 and Adopt a New Resolution Exempting Acting Assignment Pay from Drawing Retirement in Accordance with California Code of Regulations Section 571

CORRECTION: CA5, The percentage stated on the third bullet point of the resolution being adopted should indicated 10% rather than 5%.

No public input.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kevin Cann, District IV Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Smallcombe, Jones, Long, Cann, Carrier

cc: File