MINUTE ORDER

TO: JANET HOGAN, County Administrative Officer
FROM: MARGIE WILLIAMS, CLERK OF THE BOARD

SUBJECT: APPROVING DECEMBER 26, 1997 AS A HOLIDAY FOR ALL COUNTY EMPLOYEES; RES. 97-458

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on December 2, 1997

ACTION AND VOTE:

Janet Hogan, County Administrative Officer, advised of an off-agenda request relative to President Clinton's declaration of December 26, 1997, as a federal holiday. She further advised that MOU's with the employee associations, with the exception of the Deputy Sheriff's Association, call for recognition of holidays declared by the President, and she recommended that the Board include all employees for this holiday. (M)Pickard, (S)Reilly, Board waived rules requiring 72 hours agenda noticing finding this matter was not known about at the time the agenda was prepared and it is a matter of timeliness and affects County work hours later this month/Ayes: Unanimous. Following discussion, (M)Pickard, (S)Reilly, Res. 97-458 adopted approving December 26, 1997, as a holiday for all County employees/Ayes: Unanimous.

cc: Nancy Kyle, Personnel
    File
THE WHITE HOUSE
Office of the Press Secretary
(Vancouver, British Columbia)

For Immediate Release
November 25, 1997

EXECUTIVE ORDER

CLOSING OF GOVERNMENT DEPARTMENTS
AND AGENCIES ON FRIDAY, DECEMBER 26, 1997

By the authority vested in me as President of the United States of
America, it is hereby ordered as follows:

Section 1. All executive departments and agencies shall be closed
and their employees excused from duty on Friday, December 26, 1997, the
day following Christmas Day, except as provided in section 2 below.

Sec. 2. The heads of executive departments and agencies may
determine that certain offices and installations of their organizations,
or parts thereof, must remain open and that certain employees must
report for duty on December 26, 1997, for reasons of national security
or defense or for other public reasons.

Sec. 3. Friday, December 26, 1997, shall be considered as falling
within the scope of Executive Order 11582 and of 5 U.S.C. 5546 and
6103(b) and other similar statutes insofar as they relate to the pay
and leave of employees of the United States.

WILLIAM J. CLINTON

THE WHITE HOUSE,

# # #
§ 5546. Pay for Sunday and holiday work

(a) An employee who performs work during a regularly scheduled 8-hour period of service which is not overtime work as defined by section 5542(a) of this title a part of which is performed on Sunday is entitled to pay for the entire period of service at the rate of his basic pay, plus premium pay at a rate equal to 25 percent of his rate of basic pay.

(b) An employee who performs work on a holiday designated by Federal statute, Executive order, or with respect to an employee of the government of the District of Columbia, by order of the District of Columbia Council [Council of the District of Columbia], is entitled to pay at the rate of his basic pay, plus premium pay at a rate equal to the rate of his basic pay, for that holiday work which is not—

1. in excess of 8 hours; or
2. overtime work as defined by section 5542(a) of this title.

(c) An employee who is required to perform any work on a designated holiday is entitled to pay for at least 2 hours of holiday work.

(d) An employee who performs overtime work as defined by section 5542(a) of this title on a Sunday or a designated holiday is entitled to pay for that overtime work in accordance with section 5542(a) of this title.

(e) Premium pay under this section is in addition to premium pay which may be due for the same work under section 5545(a) and (b) of this title, providing premium pay for night work.


HISTORY; ANCILLARY LAWS AND DIRECTIVES

Prior law and revision:

<table>
<thead>
<tr>
<th>Derived</th>
<th>U.S. Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 USCS § 922</td>
<td></td>
</tr>
</tbody>
</table>

In subsecs. (a) and (b), the word "officer" is omitted as included in "employee".

In subsecs. (b) and (c), the word "designated" is substituted for "such a" and "such" in former 5 USCS § 922(b) and (c) to identify the holiday as one designated by statute, Executive order, or the Board of Commissioners of the District of Columbia.

<table>
<thead>
<tr>
<th>Section of title 5</th>
<th>Source (U.S. Code)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5546(a)</td>
<td>5 App § 921a</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Source (Statutes at Large)</th>
</tr>
</thead>
</table>
5 USCS § 6101, n 3  GOVERNMENT ORGANIZATION & EMPLOYEES

that agency take into consideration whether particular schedule would result in substantially increased costs as well as whether it would seriously handicap agency in carrying out its functions, such that proposal is inconsistent with law. Coordinating Committee of Unions & Dept. of Treasury, Bureau of Engraving & Printing (1987) 29 FLRA No. 118.

Union proposal which provides clean up time prior to lunch and at end of workday is outside duty to bargain because it conflicts with 5 USCS § 6101 and interferes with management's right to assign work under 5 USCS § 7106(a)(2)(B). International Brotherhood of Electrical Workers & Department of Army, US Army Engineer District, Nashville Tennessee (1988) 32 FLRA No. 55.

Proposal is nonnegotiable which would require tours of duty to be scheduled in advance covering no less than three consecutive weeks and require basic work weeks of Monday through Friday, except for employees whose service would be required on Saturday or Sunday for at least three consecutive weeks, as proposal conflicts with 5 USCS § 6101 and related regulations and because it would require agency to establish and maintain tour of duty assignment for minimum of three consecutive weeks without regard to whether such work schedules would seriously handicap agency in carrying out its functions or result in substantial increase in cost. American Federation of Government Employees & Department of Navy, Portsmouth Naval Shipyard, Portsmouth, New Hampshire (1988) 32 FLRA No. 61.

Proposal providing that, whenever possible, employees will be given two consecutive days off, preferably Saturday and Sunday, was negotiable and did not require agency to establish work schedules in any manner inconsistent with applicable law or regulation; proposal providing that employees be allowed to cease work in field 15 minutes prior to end of daily tour of duty for storage of equipment, personal cleanup, and change of clothing while directly interfering with right to assign work was negotiable appropriate arrangement. NAGE and Veteran's Administration, Veteran's Administration Medical Center, Dept. of Memorial Affairs (1991) 40 FLRA 60.

4. Miscellaneous

Employee on flexible schedule under 5 USCS § 6101 note who is ordered to work 5 overtime hours at end of pay period may on request receive compensatory time off for such time so long as employee does not accrue more than 10 hours of compensatory time in lieu of payment for regularly or irregularly scheduled overtime work. (1980) 60 Op Comp Gen p 6.

§ 6102. [Repealed]

HISTORY: ANCILLARY LAWS AND DIRECTIVES

This section (Act Sept. 6, 1966, P. L. 89-554, § 1. 80 Stat. 515), which provided for eight-hour day and 40-hour work-week for wage-board employees, was repealed by Act Aug. 19, 1972, P. L. 92-392, § 7(a), 86 Stat. 573, effective on first day of first applicable pay period beginning on or after the 90th day after Aug. 19, 1972, as provided by § 15(a) of such Act, which appears as 5 USCS § 5341 note. Similar provisions appear as 5 USCS §§ 5344(a) and 6101(a)(1).

§ 6103. Holidays

(a) The following are legal public holidays:

New Year's Day, January 1.
Birthday of Martin Luther King, Jr., the third Monday in January.
Washington's Birthday, the third Monday in February.
Memorial Day, the last Monday in May.
Labor Day, the first Monday in September.
Columbus Day, the second Monday in October.
Veterans Day, November 11.
Thanksgiving Day, the fourth Thursday in November.
Christmas Day, December 25.

(b) For the purpose of statutes relating to pay and leave of employees, with respect to a legal public holiday and any other day declared to be a holiday by Federal statute or Executive order, the following rules apply:

(1) Instead of a holiday that occurs on a Saturday, the Friday immediately before is a legal public holiday for—
   (A) employees whose basic workweek is Monday through Friday; and
   (B) the purpose of section 6309 of this title.

(2) Instead of a holiday that occurs on a regular weekly nonworkday of an employee whose basic workweek is other than Monday through Friday, except the regular weekly nonworkday administratively scheduled for the employee instead of Sunday, the workday immediately before that regular weekly nonworkday is a legal public holiday for the employee.

This subsection, except subparagraph (B) of paragraph (1), does not apply to an employee whose basic workweek is Monday through Saturday.

(c) January 20 of each fourth year after 1965, Inauguration Day, is a legal public holiday for the purpose of statutes relating to pay and leave of employees as defined by section 2105 of this title and individuals employed by the government of the District of Columbia employed in the District of Columbia, Montgomery and Prince Georges Counties in Maryland, Arlington and Fairfax Counties in Virginia, and the cities of Alexandria and Falls Church in Virginia. When January 20 of any fourth year after 1965 falls on Sunday, the next succeeding day selected for the public observance of the inauguration of the President is a legal public holiday for the purpose of this subsection.


### HISTORY: ANCILLARY LAWS AND DIRECTIVES

Prior law and revision:

<table>
<thead>
<tr>
<th>Derivation</th>
<th>U.S. Code</th>
<th>Revised Statutes and Statutes at Large</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Stat. 351.</td>
<td>June 1, 1954, ch 250, 68</td>
</tr>
<tr>
<td></td>
<td>5 U.S.C. 87b.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stat. 862.</td>
<td></td>
</tr>
</tbody>
</table>
Sick leave benefits are not paid during the term of maternity leave requested by the employee, except when integrated with State Disability as provided for in Section 6.4.6.3. Workers' Compensation/State Disability Usage, nor is sick leave, or vacation accrued or diminished.

8.3.11 - Jury Duty. Workers shall be allowed to take leave from his/her County duties without loss of wages, vacation time, compensatory time, sick leave or worker benefits for the purpose of responding to a summons for jury selection or serving on a jury for which he/she has been selected. An employee who is excused from having to serve as a juror will contact his/her supervisor and shall return to work for the balance of the shift. An employee will turn over to the County any compensation received for time involved in the jury selection process or serving on a jury on an employee's scheduled work day.

8.3.12 - Leave Without Pay. With the approval of the appropriate department head, an employee may be granted a leave of absence without pay for an indefinite period not to exceed 30 days. On expiration of the approved leave, the employee shall be reinstated to their same position. The department head may recall the employee from leave prior to its expiration should unforeseeable changes in operating requirements occur. During such leave without pay, the employee will not accrue seniority or benefits credits.

8.3.13 - Failure to Return from Leave at Scheduled Time. Failure to report for duty after a leave of absence has expired or has been disapproved or revoked may, at the option of the department head, be considered as absence without leave and subject the employee to disciplinary action unless such failure to report is for reasons beyond the physical control of the employee.

8.3.14 - Payment for Earned Annual Leave upon Termination. Upon termination, an employee shall receive pay for annual leave earned but which remains unused as of the date of termination.

8.3.15 - County Business. No County employee shall be docked any time by a department head while that employee is engaged in County sanctioned business, including, but not limited to, serving on official County committees, representing employee bargaining units while bargaining with the County on behalf of employees.

ARTICLE 9 - HOLIDAYS

Section 9.1 - Legal Holidays

The following are hereby established as legal holidays in the County pursuant to Government Code Sections 67000, 10953, and 19854:

1. Every Sunday
2. January 1st, New Year's Day
3. Third Monday in January, known as "Martin Luther King's Day"
4. Third Monday in February, known as "Presidents Day"
5. Last Monday in May, known as "Memorial Day"
6. July 4th, known as "Independence Day"
7. First Monday in September, known as "Labor Day"
8. Second Monday in October, known as "Columbus Day"
9. November 11th, known as "Veterans Day"
10. The day after Thanksgiving Day
11. December 25th, known as "Christmas Day"

12. Every day appointed by the President or Governor for public fast, thanksgiving, or holiday provided each such day is specified as a paid holiday by the President or Governor for public employees. The Thursday in November appointed as Thanksgiving Day shall be a legal holiday in Mariposa County.

13. Every employee shall be entitled to take as a holiday the Friday preceding any Saturday on which one of the holidays set out in 2, 6, 9, and 11 occurs.

14. Every employee shall be entitled to take as a holiday the Monday following any Sunday on which one of the holidays set out in 2, 6, 9, and 11 above occurs.

Section 9.2 - Personal Holidays

9.2.1 - Personal Holiday. All county employees are entitled to a personal holiday; all new employees of the County are entitled to a personal holiday after their one-year (1-year) anniversary in the calendar year of their first anniversary date.

9.2.2 - Additional Holiday. Every employee shall be entitled to take one of the following additional holidays subject to the employee's choice and prior approval by the employee's department head:

1. The last working day before, or the first working day after Christmas (December 25th);

2. The last working day before, or the first working day after New Year's Day (January 1st).

Section 9.3 - Holiday Pay

Employees required to work on a holiday will receive 8 hours of straight time for the holiday, plus time and one half at the normal hourly rate for time worked.
An employee who is pregnant must notify the department head as early as possible and provide a statement from a California licensed physician certifying as to her ability to perform the duties of her position and indicating the anticipated delivery date.

An employee returning to work shall submit a physician’s certificate that she is capable of performing the duties of her position.

Sick leave benefits are not paid during the term of maternity leave requested by the employee, except when integrated with State Disability as provided for in Section 6.5.6.3, Workman’s Compensation/State Disability Usage, nor is sick leave, or vacation accrued or diminished.

8.3.10 Failure to Return from Leave at Scheduled Time
Failure to report for duty after a leave of absence has expired or has been disapproved or revoked may, at the option of the department head, be considered as absence without leave and subject the employee to disciplinary action unless such failure to report is for reasons beyond the physical control of the employee.

8.3.11 Payment for Earned Annual Leave upon Termination
Upon termination, an employee shall receive pay for annual leave earned but which remains unused as of the date of termination.

8.3.12 County Business
No county employee shall be docked any time by a department head while that employee is engaged in county sanctioned business, including, but not limited to, serving on official county committees, or representing employee bargaining units while bargaining with the County on behalf of employees.

ARTICLE 9 - HOLIDAYS

Employees shall receive thirteen (13) paid holidays per year. Days off are scheduled at the discretion of the County. Thanksgiving and/or Christmas holidays, if worked by an employee, shall be compensated at a rate of time and one half to be taken as pay or compensatory time off, at the election of the employee.

ARTICLE 10 - TRAVEL POLICY

Section 10.1 In-County Travel

10.1.1 Mileage Reimbursement Rate
Employees who use their own vehicles for in-county business shall be