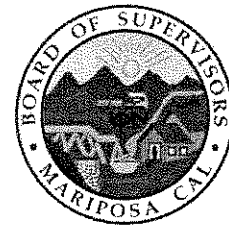




MARIPOSA COUNTY

Administration · 209-966-3222



RESOLUTION - ACTION REQUESTED 2013-431

MEETING: October 1, 2013

TO: The Board of Supervisors

FROM: Rick Benson, County Administrative Officer

RE: Department Head Severance Policy

RECOMMENDATION AND JUSTIFICATION:

Approve Department Head severance policy. Under most circumstances, when the Board of Supervisors has removed a Department Head it has been the practice of Mariposa County to provide the individual with a three-month severance package. Recently, there has been discussion regarding Department Head contracts. The main emphasis of the contracts has been to provide the employee with a mutually agreeable severance package. It was noted that proposed contract language reflected the past practice of the County. As a result of those discussions, your Board directed that a standardized policy should be brought forward for consideration.

The attached proposed policy incorporates what has been the past practice. It provides an individual in a Department Head position with a three-month severance package. Before being eligible for a severance benefit, the Department head would be required to sign a waiver releasing the County from claims. In addition, any Department Head dismissed for criminal or illegal activities would not be entitled to any severance package.

Mariposa County Department Heads are unique in that they do not accrue vacation or sick time. If dismissed with no severance they would immediately lose all income. Other employees, when dismissed, often have vacation time on the books to provide a minimal cushion upon separation.

The policy has been reviewed by County Department Heads.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

It has generally been the practice of Mariposa County to provide Department Heads with three months of pay upon dismissal.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

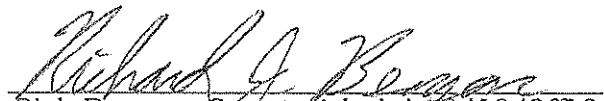
If no formal policy is adopted, Department Heads that are dismissed will continue to be treated on a case-by-case basis. It is likely that there will be more requests for employment contracts to deal with the severance issue. Lacking a policy may be seen as a deterrent to successful recruitments.

ATTACHMENTS:

Department Head employment policy(DOCX)

CAO RECOMMENDATION

Requested Action Recommended


Rick Benson, County Administrator/Office

RESULT: ADOPTED [3 TO 2]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Lee Stetson, Merlin Jones, Kevin Cann

NAYS: Janet Bibby, John Carrier

Regarding the employment of Department Heads, it shall be the policy of Mariposa County as follows:

1. Department Heads are defined as those individuals appointed by the Board of Supervisors of Mariposa County as the top official within a department. Specifically excluded are elected officials (Assessor/Recorder, Auditor, District Attorney, Sheriff/Coroner, Treasurer/Tax Collector/County Clerk.) Also excluded is the Chief Probation Officer, as that individual reports to the Presiding Judge, the Farm Advisor who is an employee of the University of California, and the Clerk of the Board who is not an "at will" employee.
2. Department Heads are "at will." As such, their employment may be terminated at any time, with or without cause, and without the right to appeal. Moreover, Department Heads understand that by accepting an "at will" position they waive any property interest they may have formerly held with the County and shall not have the right to any former position previously held with the County.
3. Department Heads may be terminated upon either (i) three (3) months advance notice, or (ii) no advance notice. It is the policy of Mariposa County that if a Department Head who has completed 12 months of service with the County is terminated without three months advance notice, they are entitled to receive payment of three (3) months base salary compensation and three months health benefits (medical, dental & vision) provided they execute a written waiver of any and all claims of any type they or their assigns, heirs, and/or representatives may have against the County, its officers, employees, assigns, and representatives. Refusal of a Department Head to execute a written waiver or their prior assignment of any claims against the County, its officers, employees, assigns, and representatives, or their eligibility for a service or disability retirement through CalPERS, will disqualify Department Head from receiving the severance payment.
4. If termination is because a Department Head commits (i) an illegal act; (ii) an act involving moral turpitude; (iii) an act involving illegal personal gain; and/or is convicted of a crime involving the abuse of their office or position as defined in Government Code section 53243.4, Department Head will be disqualified from receiving the severance pay described in Section 3.
5. Nothing in this policy limits the Board of Supervisors from providing any Department Head with additional severance benefits if it is the desire of the Board at the time of separation.
6. Nothing in this policy shall be interpreted to alter or affect any Department Head's rights under State or Federal law