

94-106

DEPARTMENT: County Counsel BY: Jeffrey G. Green PHONE: 209/966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes\_\_\_ No\_X\_)

Pass and adopt this resolution establishing the attached policy granting department heads, together with concurrence of the Personnel Officer, the authority to waive the requirement for possession of a California driver's license and/or high school graduation (or equivalent), as stated in certain Mariposa County class specifications for the purpose of appointing an otherwise-qualified applicant to a specific open position.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Americans with Disability Act of 1990, revised, mandates employers to review the "essential tasks" required to be performed by each job classification. The Personnel Office does not believe that either the requirement for a California driver's license and/or high school graduation (or equivalent) is essential for an individual to be able to perform the "essential tasks" required by many Mariposa County class specifications.

As time allows, the Personnel Office will review and modify, as required, all class specifications with a view to better define the essential tasks required to be performed in order to be in compliance with the ADA. In the interim, this requested policy will permit the appointing department, with the prior concurrence of the Personnel Officer, to waive requirements which might be considered as discriminatory under broad EEOC guidelines.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve this requested policy resolution.  
Make any change to this requested policy resolution as deemed necessary.

**COSTS:** (X) 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:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CLERK'S USE ONLY:**  
Res. No.: 94-106 Ord. No. \_\_\_\_\_  
Vote - Ayes: 5 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: MC

ESTABLISHING A POLICY  
GRANTING DEPARTMENT HEADS, WITH CONCURRENCE OF PERSONNEL OFFICER,  
AUTHORITY TO WAIVE EMPLOYMENT REQUIREMENT FOR POSSESSION OF  
CALIFORNIA DRIVER'S LICENSE AND/OR HIGH SCHOOL GRADUATION (OR EQUIVALENT)

WHEREAS, the Board of Supervisors has reviewed the need to waive certain employment restrictions imposed by existing Mariposa County class specifications requiring an applicant's possession of either a California driver's license and/or high school graduation (or equivalent) relative to actual performance of the essential tasks required by specific classifications and wishes to delegate that authority to the various department heads with the concurrence of the Personnel Officer;

NOW, THEREFORE, BE IT RESOLVED that the following policy statement and procedure will govern such requested waiver by the hiring department.

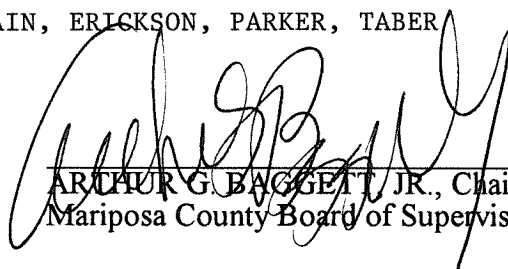
WAIVER OF POSSESSION OF CALIFORNIA DRIVER'S LICENSE AND/OR  
WAIVER OF POSSESSION OF HIGH SCHOOL GRADUATION (OR EQUIVALENT)

It is the policy of the Board of Supervisors that Department Heads, with the concurrence of the Personnel Officer, shall have the authority to waive the requirement for an applicant to have possession of a California driver's license and/or high school graduation (or equivalent) established by the following procedure:

1. Prior to submission of a recruitment request form to the Personnel Office, the Department Head shall review the minimum requirements for the requested position as stated in the County class specification. If the Department Head believes that possession of either or both of the above requirements is not necessary by applicants in order to perform the essential tasks of the position, the Department Head shall request waiver of either or both requirements in a brief memorandum addressed to the Personnel Officer and submit it with the Recruitment Request form.
2. Upon receipt of this request, the Personnel Officer shall review this request and state concurrence or denial on a copy of said memorandum and return it to the requesting Department Head.
3. If the request to waive either or both requirements is approved by the Personnel Officer, the following statement shall be included in the job bulletin at a location immediately following the statement of Minimum Qualifications:  
  
The appointing department head and the Mariposa County Personnel Officer have waived the requirement for possession of a *(California driver's license and/or High School Graduation or equivalent)* for applicants found to be otherwise qualified to perform the essential tasks required by this position.
4. Any waiver granted pursuant to this policy should be noted on the Personnel-Payroll Action Form at the time the appointment documents are processed.
5. No waiver will be allowed if not approved prior to commencement of recruitment advertising.

PASSED AND ADOPTED this 5th day of April 1994, by the Board of Supervisors of Mariposa County by the following vote:

<b>AYES:</b>	BAGGETT, BALMAIN, ERICKSON, PARKER, TABER
<b>NOES:</b>	NONE
<b>ABSENT:</b>	NONE
<b>ABSTAINED:</b>	NONE



ARTHUR G. BAGGETT, JR., Chairman  
Mariposa County Board of Supervisors